



## **COUNCIL CHAMBERS**

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

<b>COUNCIL MEMBERS</b>	<b>REDEVELOPMENT AGENCY</b>
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Mark Grzan, Mayor Pro Tempore	Mark Grzan, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

**WEDNESDAY, JANUARY 11, 2006**

**AGENDA**

**JOINT MEETING**

**CITY COUNCIL SPECIAL MEETING**

**and**

**REDEVELOPMENT AGENCY SPECIAL MEETING**

**5:30 P.M.**

*A Special Meeting of the City Council and Redevelopment Agency is Called at 5:30 P.M. for the Purpose of Conducting a Library, Culture and Arts Commission Interview and Closed Sessions; and at 7:00 P.M. for Conducting City and Redevelopment Agency Business.*

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**Dennis Kennedy, Mayor/Chairman**

**CALL TO ORDER**

(Mayor/Chairperson Kennedy)

**ROLL CALL ATTENDANCE**

(City Clerk/Agency Secretary Torrez)

**DECLARATION OF POSTING OF AGENDA**

**Per Government Code 54954.2**

(City Clerk/Agency Secretary Torrez)

**5:30 P.M.**

## ***City Council Action***

### **INTERVIEW:**

	<b>Time Estimate</b>		<b>Page</b>
1.	30 Minutes	<b><u>INTERVIEW TO FILL A VACANCY ON THE LIBRARY, CULTURE &amp; ARTS COMMISSION</u></b> .....	7
		<b><u>Recommended Action(s):</u></b>	
		1. <b><u>Interview</u></b> Library, Culture & Arts Commission Applicant; and	
		2. <b><u>Continue</u></b> Consideration of Mayor's Appointment to the Council Meeting of January 18, 2006.	

## ***City Council Action and Redevelopment Agency Action***

### **CLOSED SESSION:**

	1.
<b><u>CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION</u></b>	
Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	2

	2.
<b><u>PUBLIC EMPLOYEE APPOINTMENT</u></b>	
Authority:	Government Code 54957
Consideration of Appointment:	City Attorney
Attendees:	City Manager, Interim City Attorney

### **OPPORTUNITY FOR PUBLIC COMMENT**

### **ADJOURN TO CLOSED SESSION**

### **RECONVENE**

### **CLOSED SESSION ANNOUNCEMENT**

**7:00 P.M.**

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **PRESENTATION**

Centennial Morgan Hill Committee Update  
*Jennifer Tate*

**CITY COUNCIL REPORT**

Council Member Sellers

**CITY COUNCIL SUB-COMMITTEE REPORTS**

**CITY MANAGER'S REPORT**

**CITY ATTORNEY'S REPORT**

**OTHER REPORTS**

**PUBLIC COMMENT**

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME  
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND  
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE  
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY  
COUNCIL/REDEVELOPMENT AGENCY.**

## ***City Council Action***

**CONSENT CALENDAR:**

**ITEMS 2-10**

The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

**Time Estimate**

**Page**

**Consent Calendar: 1 - 10 Minutes**

2. [AMENDMENT TO THE CITY OF MORGAN HILL'S RECORDS RETENTION SCHEDULE](#) .....12  
**Recommended Action(s): Adopt** Resolution Amending the City's Records Retention Schedule.
3. [THIRD AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP](#) .....16  
**Recommended Action(s): Authorize** the City Manager to Execute a Third Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.
4. [AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP](#) .....17  
**Recommended Action(s): Authorize** the City Manager to Execute an Amended Agreement with the Law Firm of Jorgenson, Siegel, McClure & Flegel, LLP.

**Time Estimate** **Page**  
**Consent Calendar: 1 - 10 Minutes**

5.	<a href="#"><u>APPROVAL OF CITY MANAGER'S PART-TIME TEACHING ASSIGNMENT</u></a> .....	18
	<b>Recommended Action(s):</b> <b>Approve</b> Employment of the City Manager as a Part-Time Instructor for Gavilan College for the Spring 2006 Semester.	
6.	<a href="#"><u>ENERGY EFFICIENCY ASSISTANCE RESOLUTION</u></a> .....	19
	<b>Recommended Action(s):</b> <b>Adopt</b> Resolution.	
7.	<a href="#"><u>WIRELESS SILICON VALLEY PROJECT FUNDING</u></a> .....	21
	<b>Recommended Action(s):</b>	
	1. <b>Authorize</b> the Expenditure of \$2,500 for Wireless Silicon Valley.	
8.	<a href="#"><u>FINAL MAP FOR CAPRIANO PHASE VII-B (TRACT 9771)</u></a> .....	22
	<b>Recommended Action(s):</b>	
	1. <b>Approve</b> the Final Map; and	
	2. <b>Authorize</b> the Recordation of the Map Following the Recordation of the Development Improvement Agreement.	
9.	<a href="#"><u>ACCEPTANCE OF JACKSON OAKS BOOSTER STATION REHABILITATION PROJECT</u></a> .....	23
	<b>Recommended Action(s):</b>	
	1. <b>Accept</b> as Complete the Jackson Oaks Booster Station Rehabilitation Project in the Final Amount of \$1,089,671; and	
	2. <b>Direct</b> the City Clerk to File the Notice of Completion with the County Recorder's Office.	
10.	<a href="#"><u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF DECEMBER 16, 2005</u></a> .....	25

## *City Council and Redevelopment Agency Action*

### CONSENT CALENDAR:

#### ITEMS 11-12

**Time Estimate** **Page**  
**Consent Calendar: 1 - 10 Minutes**

11.	<a href="#"><u>APPROVE SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF DECEMBER 14, 2005</u></a> .....	27
12.	<a href="#"><u>APPROVE SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF DECEMBER 21, 2005</u></a> .....	55

## City Council Action

### PUBLIC HEARINGS:

	Time Estimate		Page
13.	5 Minutes	<u>RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE WEEDS</u> .....	58
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Adopt Resolution "A"</u> Authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds, Excluding Assessor Parcel Numbers (APN) 726-24-020, 764-32-017, and 764-48-020.	
		Action- <u>Adopt Resolution "B"</u> Authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds, for APN 726-24-020.	
		Action- <u>Adopt Resolution "C"</u> Authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds for APN 764-32-017, and 764-48-020.	

## City Council Action

### OTHER BUSINESS:

	Time Estimate		Page
14.	15 Minutes	<u>CONSIDER PROPOSED TEXT AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MORGAN HILL MUNICIPAL CODE</u> .....	80
		<u>Recommended Action(s):</u>	
		1. <u>Consider</u> and Discuss Unanswered Questions; and	
		2. <u>Direct</u> Staff to Return with an Ordinance, Incorporating Amendments to the Municipal Code as they Relate to Council Appointed Boards and Commissions.	

### FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

### ADJOURNMENT

**PUBLIC COMMENTS ON ITEMS *NOT* APPEARING ON AGENDA**

Following the opening of Council/Agency business, the public may present comments on items *NOT* appearing on the agenda that are within the Council's/Agency's jurisdiction. Should your comments require Council/Agency action, your request will be placed on the next appropriate agenda. No Council/Agency discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk/Agency Secretary for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**PUBLIC COMMENTS ON ITEMS APPEARING ON AGENDA**

The Morgan Hill City Council/Redevelopment Agency welcomes comments from all individuals on any agenda item being considered by the City Council/Redevelopment Agency. Please complete a Speaker Card and present it to the City Clerk/Agency Secretary. This will assist the Council/Agency Members in hearing your comments at the appropriate time. Speaker cards are available on the table in the foyer of the Council Chambers. In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council/Agency. However, it is very helpful to the Council/Agency if speaker cards are submitted. As your name is called by the Mayor/Chairman, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council/Agency Commission are limited to three minutes. We appreciate your cooperation.

**NOTICE**

**AMERICANS WITH DISABILITIES ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City. If you need special assistance to access the meeting room or to otherwise participate at this meeting, including auxiliary aids or services, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation. Please make your request at least 48 hours prior to the meeting to enable staff to implement reasonable arrangements to assure accessibility to the meeting.

If assistance is needed regarding any item appearing on the City Council/Agency Commission agenda, please contact the Office of the City Clerk/Agency Secretary at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Public Hearing Agenda items in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council/Agency Commission at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council/Agency Commission which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: January 11, 2006**

**Agenda Item #1**

**Prepared By:**

**Council Services &  
Records Manager**

**Submitted By:**

**City Manager**

### **INTERVIEW TO FILL A VACANCY ON THE LIBRARY, CULTURE & ARTS COMMISSION**

**RECOMMENDED ACTION(S):** 1) Interview Library, Culture & Arts Commission applicant; and 2) Continue Consideration of Mayor's Appointment to the Council's January 18, 2006 Council Meeting

### **EXECUTIVE SUMMARY:**

There currently exists a vacancy on the Library, Culture & Arts Commission. Prior to closing City Hall for furlough, staff received an application from Mr. Stan Salah who is interested in being considered for the current vacancy on the Library, Cultural & Arts Commission. Mr. Salah is a five-year Morgan Hill resident and a Santa Clara County registered voter. Mayor Kennedy is suggesting that the Council proceed with interviewing Mr. Salah. Mr. Salah's application is attached for Council consideration.

On July 6, 2005, the Council adopted "Fundamental Principles for a Recruitment, Interview and Appointment Process." The Fundamental Principles are attached and spell out the process to be used for conducting interviews. The Fundamental Principles also stipulate that the Mayor is to consider Council Members' recommendation, returning to the Council at a following meeting for a recommended appointment(s). Therefore, staff will schedule the Mayor's recommendation on Mr. Salah for Council consideration, discussion, and possible appointment ratification on January 18, 2006.

The City is also in receipt of an application from a Morgan Hill resident who is interested in serving on this Commission, but who is not a U.S. citizen or Santa Clara County registered voter. The Municipal Code requires that a board or commission member be a registered voter in the city. At the December 14, 2005 Council meeting, a couple of the Council members indicated that they would be interested in considering an amendment to the Municipal Code that would allow for the appointment of a non U.S. citizen, subject to review of the government code for authority. The Interim City Attorney has researched this issue and indicates that it is within the Council's authority/power to remove the language that requires commissioners to be "registered voters." Also, there is no legal requirement that Commissioners be U.S. citizens. Staff will address this issue under a separate staff report to the Council.

**FISCAL IMPACT:** No budget adjustment required.

## **FUNDAMENTAL PRINCIPLES FOR A RECRUITMENT, INTERVIEW AND APPOINTMENT PROCESS**

1. Conduct active outreach for candidates
2. Council discussion of expectations of Board, Commission or Committee members
3. Application questionnaire to focus on Council expectations
4. Council to conduct interviews
5. Individual council members have the opportunity to suggest top candidates
6. Mayor should have at least one week to consider Council suggestions and other factors, including the need for continuity, match up candidates with needs, etc.
7. Mayor makes appointments subject to Council ratification, after further Council discussion.

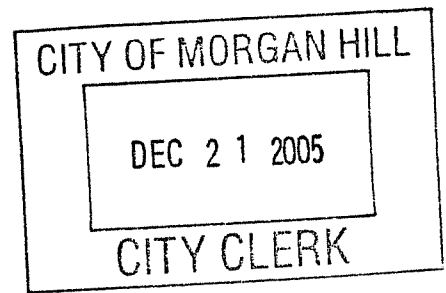
The specific process is as follows:

- Council to identify the characteristics it is looking for in candidates to be appointed on boards, commissions and committees prior to conducting interviews.
- Council to identify specific questions to be included in the Board, Commission, or Committee applications relative to their charge
- Include a question for incumbents to inquire whether they are currently serving as chair/vice-chair, next in line to serve as chair/vice-chair to the board or commission, and/or are assigned to a special project
- Council to conduct interviews and ask clarifying questions.
- Council to discuss the characteristics of each candidate (e.g., new voice, experience, etc.)
- Each Councilmember would identify their top candidates to fill vacancies plus one. Councilmembers can vote for the number of candidates for vacancies available plus one. (See attached)
- Mayor to consider Council members' top candidates; returning to the Council at a following meeting with a recommended appointment(s)
- Council to discuss recommended appointment(s)
- Council ratifies the Mayor's appointment

**DENNIS KENNEDY, MAYOR  
JULY 6, 2005**



**Stanley Salah**



December 21, 2005

City of Morgan Hill

To All Concerned,

**Regarding: Library, Culture and Arts Commission Vacancy**

Please accept my interest to serve on the Library, Culture and Arts Commission for the City of Morgan Hill. I believe my background as an Art Gallery Director in the Chicago area, my initial education path in the area of Architectural Sculpture at Cal Poly, and my time spent with Architect Paolo Soleri on his Arcosanti project in Arizona may help to give some insights to making planning decisions for our Morgan Hill community.

My background in brief:

- Morgan Hill resident and home owner since September, 2000.
- Married with two boys attending El Toro Elementary School.
- Bachelor's Degree in Liberal Arts, Excelsior College, NY
- Director on the Board of the Creekside Village Home Owner's Association
- Realtor with Keller Williams Realty
- Ownership interest in Endlink Solutions, LLC a business solutions systems provider.

Previous

- Art Gallery Director, Horizon Galleries, Chicago Area 1984-92
- President of the Southlake Mall Merchant's Association, Indiana
- Assisted in organizing shows of American Artists for exhibit in Tokyo, Japan

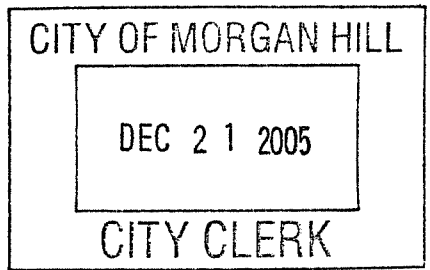
I believe the Arts play an important part in defining a community's image and believe I may be able to contribute to the commission's role. I would be happy to help and to meet to answer any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Stan Salah".

Stan Salah

CITY OF MORGAN HILL  
APPLICATION FOR SERVICE  
BOARDS/COMMISSIONS/COMMITTEES



I WOULD LIKE TO SERVE ON: The Library, Culture and Arts Commission

Name: STAN SALAH.

Home address: \_\_\_\_\_

City: MORGAN HILL

Telephone No. (W) \_\_\_\_\_ (H) \_\_\_\_\_

Occupation: REALTOR Employer: KELLER WILLIAMS REALTY

e-mail address: \_\_\_\_\_

Do you have any relatives currently employed by the city of Morgan Hill? Yes \_\_\_\_\_ No X  
Years lived/worked in Morgan Hill: 5 Registered voter? Yes X No \_\_\_\_\_

QUESTIONNAIRE  
(Please attach additional sheets, as necessary)

- Please attach a resume or briefly describe your background, qualifications and skills which you can contribute to this commission.
  - Arts management background
  - Organized numerous art exhibits.
  - Education and exposure to arts relative to environment design.
- Have you served on other citizen advisory commissions or committees? If so, please list and briefly explain the purpose of each committee.

Not for the City. But currently serve as Director of our Home owners Association. And, previously served on a Regional Shopping Mall Merchants Assoc. both as a member and President.
- Please describe why you would like to serve on this commission.

I believe it is important to contribute to building our community. With my special interest and background in the arts believe it is an area I can positively affect.

4. How have you kept apprized of the new library facility project?

*I am generally aware of the library project but not in detail.*

5. What, in your opinion, are the greatest challenges facing building the library?

*I am not familiar with the challenges the project is facing. I do know that our local library is an important part of our family and the opportunities it provides us.*

6. What is your experience with cultural facilities and/or public art?

*Worked on an Architectural project, Arcosanti by Soleri, that focused on environmental design for a community. Held numerous exhibits of artists as an Art Gallery Director.*

7. Do you have any further comments or ideas that would make you a valuable member of the Library, Cultural and Public Art Commission?

I consent to the release of information contained in this application to interested parties: Yes ☒ No ☐

I acknowledge that I will be subject to the City's Conflict of Interest Code and that I will be subject to filing statements of economic interests with the City of Morgan Hill.

I consent to complying with all government regulations should I be appointed to serve on a City Council appointed board, commission or committee.

SIGNATURE

*SP Solari*

Date

*12/21/05*



***CITY COUNCIL STAFF REPORT***  
***MEETING DATE: January 11, 2006***

**AMENDMENT TO THE CITY OF MORGAN HILL'S  
RECORDS RETENTION SCHEDULE**

**RECOMMENDED ACTION(S):**

Adopt Resolution amending the City's Records Retention Schedule.

**EXECUTIVE SUMMARY:** In January 1996, the City Council adopted Resolution No. 4967, establishing a Records Retention Schedule. The resolution requires that the Retention Schedule be reviewed annually and updated when necessary.

The Council Services and Records Manager has coordinated a city-wide review of the Records Retention Schedule, and is recommending some revisions to the Schedule in order to provide greater clarity in the City's retention and destruction of records. Those items on the Retention Schedule being recommended for amendment are attached as Exhibit "A" of the Resolution, with additions, deletions, or amendments shown in red line.

**FISCAL IMPACT:** The time preparing the staff report was accommodated by the City Clerk's operating budget and work plan.

**Agenda Item #2**

**Prepared By:**

\_\_\_\_\_  
**Deputy City Clerk**

**Approved By:**

\_\_\_\_\_  
**City Clerk**

**Submitted By:**

\_\_\_\_\_  
**City Manager**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL AMENDING THE RECORDS RETENTION  
SCHEDULE FOR THE CITY OF MORGAN HILL**

**WHEREAS**, it is necessary to provide a system for effectively managing the paperwork, audio and video tapes, and other miscellaneous items accumulated in the daily operations of the City of Morgan Hill; and

**WHEREAS**, Section 34090 of the Government Code of the State of California provides guidelines for destroying records that have served their purpose and are no longer required; and

**WHEREAS**, the City Council did, by the adoption of Resolution No. 4967 in January of 1996, and as amended by the adoption of Resolution No. 5137 on November 19, 1997, Resolution No. 5238 on December 16, 1998, Resolution No. 5347 on February 2, 2000, Resolution No. 5440 on December 6, 2000, Resolution No. 5535 on December 5, 2001, Resolution No. 5628 on January 15, 2003, Resolution No. 5749 on December 17, 2003, and Resolution No. 5873 on December 15, 2004, approve a Records Retention Schedule which standardizes the length of time records are kept, according to all applicable legal, fiscal, administrative and historic requirements; and

**WHEREAS**, pursuant to provisions outlined in Resolution No. 4967, the Records Retention Schedule has been reviewed and certain revisions are deemed necessary to provide for greater clarity and efficiency in the areas of retention and destruction.

**NOW THEREFORE BE IT RESOLVED**, that the City Council does hereby approve the amendment to a portion of the Records Retention Schedule, attached hereto and incorporated by reference as Exhibit A and directs the City Clerk to continue to review annually the state and federal regulations and update the Records Retention Schedule as necessary.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Special Meeting held on the day of January, 2006 by the following vote.

**AYES:**            **COUNCIL MEMBERS:**  
**NOES:**          **COUNCIL MEMBERS:**  
**ABSTAIN:**    **COUNCIL MEMBERS:**  
**ABSENT:**      **COUNCIL MEMBERS:**

**☞ CERTIFICATION ☞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA**, do hereby certify that the foregoing is a true and correct copy of Resolution No., adopted by the City Council at the Special Meeting on January , 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

DATE: \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, City Clerk**

## CITY OF MORGAN HILL RECORD RETENTION SCHEDULE – 2005 –PROPOSED AMENDMENTS

**LEGEND:** C = While current/Until Completed P = Permanent M = Microfilm D/R = Destroy when no longer relevant A/E = After Expiration NA = Not Applicable

**Copies/Duplicates** distributed to various departments for informational purposes may be destroyed by department when no longer useful for reference.

RECORD TITLE	RETENTION PERIOD – IN YEARS			CITATION	REMARKS
	ACTIVE	INACTIVE	TOTAL		

### CITY CLERK

Tapes, Audio	C	<del>5</del> <b>3</b>	<del>C+5</del> <b>C+3</b>	<b>GC 34090.7</b>	Tapes are to be erased and re-used.
Tapes, Video	C	<del>3</del> <b>5</b>	<del>C+3</del> <b>C+5</b>		Tapes are to be erased and re-used.
Petitions	C	1	C + 1	<b>GC 50115; GC6253; EC17200; 17400</b>	1) Submitted to City Council and/or RDA; 2) From Date of Election, Initiative, Referendum, or Recall.

### FINANCE DEPARTMENT

<b>ACCOUNTS PAYABLE</b>					
Billing Receipt Books	<del>2</del> <b>1</b>	<del>4</del> <b>5</b>	6	<b>GC34090; CCP337</b>	Receipts for water payments by customers who don't have their water bills when they make payment. <b>(The 2<sup>nd</sup> copy of receipt is filed in the Daily Receipt Envelope, which is retained for a total of 6 years)</b>
Daily Receipt Envelopes (Detail)	<del>2</del> <b>1</b>	<del>4</del> <b>5</b>	6	<b>GC34090; CCP337</b>	Receipt books <b>and 2<sup>nd</sup> copy of Billing Receipt book receipts for water payments.</b> (Accounts Receivable)

### CITY MANAGER

<b>Citizen Complaints</b>	<b>C</b>	<b>7</b>	<b>C + 7</b>		<b>Originals received by City Manager's Office and copies provided to other departments. Monitored by City Manager for resolution. 7 Year Retention set to correspond to other City Manager correspondence retention.</b>
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## CITY OF MORGAN HILL RECORD RETENTION SCHEDULE – 2005 –PROPOSED AMENDMENTS

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RECORD TITLE	RETENTION PERIOD – IN YEARS			CITATION	REMARKS
	ACTIVE	INACTIVE	TOTAL		

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### HUMAN RESOURCES

<i>Internal Investigation - Non-Public Safety Personnel</i>	<i>C</i>	<i>10</i>	<i>10</i>	<i>GC34090;GC12946</i>	

### PUBLIC WORKS DEPARTMENT

<i>Special Districts – Supporting Documents</i>	<i>C</i>	<i>P</i>	<i>P</i>	<i>GC34090 (a)</i>	<i>Re: Improvement Districts, Underground Utility Districts, and Lighting &amp; Landscaping Districts.</i>

### RECREATION

Special Events: Permits, General Information	C	$\frac{2}{3}$	$\frac{C+2}{C+3}$		<i>Special Event folders contain contracts, pricing and insurance information for event.</i>
<i>Receipt Books</i>	<i>1</i>	<i>5</i>	<i>6</i>	<i>GC34090; CCP337</i>	<i>Receipts for class sign-up fees and miscellaneous Recreation receipts.</i>
<i>Refund Records</i>	<i>1</i>	<i>5</i>	<i>6</i>	<i>GC34090; CCP337</i>	<i>Records of refunds issued for recreation classes.</i>
Registration Forms	C	0	1		<i>Recreation Class registrations; Field or Park reservations.</i>



## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: January 11, 2006***

### **THIRD AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**

#### **RECOMMENDED ACTIONS:**

Authorize the City Manager to execute a Third Amended Agreement with the law firm of Jorgenson, Siegel, McClure & Flegel, LLP.

#### **EXECUTIVE SUMMARY:**

On February 24, 2005, the City entered into an agreement with the law firm of Jorgenson, Siegel, McClure & Flegel, LLP, in the amount of \$20,000 to provide general legal services. Said services include matters relating to the city's Below Market Rate Housing Program, land use issues, tort litigation and from time-to-time perform the duties of the Acting City Attorney. On May 10, 2005, the agreement was amended to \$125,000 to include the duties of the Interim City Attorney. This amount was sufficient to cover the fees and costs through the end of fiscal year 2004-2005.

On August 24, 2005, Council approved the Second Amendment to Agreement increasing the contract amount to \$245,000 to cover the projected fees and costs for performing Interim City Attorney duties through December 31, 2005.

The City Council is in the process of recruiting a full-time, in-house city attorney. In the interim, the firm of Jorgenson, Siegel, McClure & Flegel will continue to perform the duties of the city attorney. Staff is recommending that Council approve the attached Third Amendment to Agreement increasing the contract amount to \$370,000. It is anticipated that the additional \$125,000 will be sufficient to cover the projected fees and costs for performing Interim City Attorney duties and to assist the new city attorney during the transition period through June 30, 2006.

#### **FISCAL IMPACT:**

The cost of this Third Amendment to Agreement will be accommodated in the City Attorney's Office budget. This increase will be offset by savings in City Attorney salary.

**Agenda Item #3**

**Prepared By:**

**(Title)**

**Submitted By:**

**City Manager**





## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: January 11, 2006***

### **AMENDMENT TO AGREEMENT WITH THE LAW FIRM OF JORGENSEN, SIEGEL, McCLURE & FLEGEL, LLP**

#### **RECOMMENDED ACTIONS:**

Authorize the City Manager to execute an Amended Agreement with the law firm of Jorgenson, Siegel, McClure & Flegel, LLP.

#### **EXECUTIVE SUMMARY:**

On August 24, 2005, the City entered into a contract in the amount of \$20,000 with the law firm of Jorgenson, Siegel, McClure & Flegel, LLP, for legal services relating to land use and development issues regarding the DiNapoli shopping center project. It was necessary for attorney Margaret A. Sloan to attend Planning Commission meetings and review and revise numerous revisions to the development agreement for this project. The current contract is insufficient to cover the fees and costs associated with the work completed thus far and for the continual monitoring of this project through June 30, 2006. Staff is recommending that Council approve the attached Amendment to Agreement increasing the contract amount to \$37,500. It is anticipated that the additional \$17,500 will be sufficient to cover the projected fees and costs through June 30, 2006.

#### **FISCAL IMPACT:**

The cost of this Amendment to Agreement will be accommodated in the City Attorney's Office budget.

**Agenda Item # 4**

**Prepared By:**

\_\_\_\_\_  
**(Title)**

**Submitted By:**

\_\_\_\_\_  
**City Manager**



## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: January 11, 2006***

**Agenda Item # 5**

**Prepared & Submitted  
By:**

**City Manager**

### **APPROVAL OF CITY MANAGER'S PART TIME TEACHING ASSIGNMENT**

#### **RECOMMENDED ACTION(S):**

Approve employment of the City Manager as a part time instructor for Gavilan College for the spring 2006 semester.

#### **EXECUTIVE SUMMARY:**

Subject to Council approval, the City Manager has agreed to teach a Gavilan College course, "Introduction to American Government," for the spring semester. The course is part of an experimental program to extend college level curricula to qualified high school students as well as others enrolled in the College.

The City Manager's employment agreement provides that the City Manager shall "remain in the exclusive employ of the City" during the term of the agreement, provided; however, that "occasional teaching" is not precluded.

Since the course will consist of 16 sessions on Monday afternoon's (3:30 – 6:30 p.m.) beginning on January 23, 2006, Council approval is requested for the City Manager to participate.

#### **FISCAL IMPACT:**

None.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** *January 11, 2006*

### **ENERGY EFFICIENCY ASSISTANCE RESOLUTION**

**RECOMMENDED ACTION(S):** Approve Resolution

**EXECUTIVE SUMMARY:** The City has a long successful history of adopting measures to reduce the energy consumed by City facilities. Not only is doing so evidence of responsible fiscal management, it also demonstrates the City's concern for the environment.

The California Energy Commission's Public Partnership Program can provide energy efficiency technical assistance to public agencies. Staff has identified two facilities, the Community and Cultural Center and Aquatics Center, that may be especially worthy of this program. The attached resolution authorizes staff to proceed with facilitating this assistance and requires the City to consider adopting the measures recommended by the audit.

Staff recommends that the Council adopt the attached resolution.

**FISCAL/RESOURCE IMPACT:** There are no direct fiscal impacts associated with this item. Any follow-up activities that have significant fiscal impacts will be presented to the City Council for further consideration. Preparing this resolution and supporting its implementation are an anticipated and included activity in the work program of the Public Works Department.

**Agenda Item # 6**

**Prepared By:**

**Program Administrator**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MORGAN HILL APPROVING PARTICIPATION IN THE  
CALIFORNIA ENERGY COMMISSION'S ENERGY PARTNERSHIP  
PROGRAM**

**WHEREAS**, the California Energy Commission's Energy Partnership Program provides technical assistance in identifying energy efficiency improvements; and

**WHEREAS**, the California Energy Commission has limited funds for technical assistance and that primary consideration will be given to those that are committed to implementing the recommended projects identified through the Energy Partnership Program; and

**WHEREAS**, the City of Morgan Hill has a long history of interest in energy efficiency activities that reduce energy expenses while protecting the environment; and

**WHEREAS**, the City of Morgan Hill has public facilities that have not benefited from comprehensive energy efficiency analyses;

**NOW THEREFORE, BE IT RESOLVED** that the City Council of the City of Morgan Hill authorizes the City Manager to:

1. Apply for technical assistance from the California Energy Commission; and
2. Execute all necessary documents to implement and carry out the purposes of this resolution; and
3. Seek funding, if necessary, to implement the recommended feasible energy efficiency projects identified through the Energy Partnership Program.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Special Meeting held on the 11<sup>th</sup> Day of January, 2006 by the following vote.

**AYES:**           **COUNCIL MEMBERS:**  
**NOES:**         **COUNCIL MEMBERS:**  
**ABSTAIN:**   **COUNCIL MEMBERS:**  
**ABSENT:**     **COUNCIL MEMBERS:**

**☞ CERTIFICATION ☞**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,** do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City Council at a Special Meeting held on January 11, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**



## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: January 11, 2006***

### **WIRELESS SILICON VALLEY PROJECT FUNDING**

#### **RECOMMENDED ACTION(S):**

Authorize the Expenditure of \$2,500 for Wireless Silicon Valley

**EXECUTIVE SUMMARY:** Joint Venture Silicon Valley has been working with cities throughout the Silicon Valley to encourage the development of a wireless broadband network to serve public safety workers, utility systems, and the public. City staff have been participating in this effort since its inception. It is anticipated that such a network will promote governmental efficiency, tourism, and economic development. In addition, it will be a great convenience to local residents and businesses.

The effort, which has been strictly run on a volunteer basis to date, is ready to take the next steps in its development and develop a request for proposals (RFP) for the desired services. In order to issue the RFP, a consultant will be needed to completely scope out the network's parameters and draft the document. Attached is a draft scope of work for the consultant's activities. Each participating city in the effort has been asked to contribute a minimum of \$2,500 toward the effort. By participating at this time, the City will maintain a seat at the table and should be included in the ultimate projects that arise from this effort.

The Utilities and Environment Subcommittee and City staff recommend that the City Council approve the City's participation in this effort at the \$2,500 level.

**FISCAL/RESOURCE IMPACT:** The \$2,500, if approved, will come from the City's Economic Development funds in account number 317-8010-82299. Preparing this ordinance and supporting its implementation are an anticipated and included activity in the work program of the Public Works Department.

**Agenda Item # 7**

**Prepared By:**

**Program Administrator**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**



## ***CITY COUNCIL STAFF REPORT***

***MEETING DATE: JANUARY 11, 2006***

**Agenda Item # 8**

**Prepared By:**

\_\_\_\_\_  
**Senior Engineer**

**Approved By:**

\_\_\_\_\_  
**Public Works Director**

**Submitted By:**

### **APPROVE FINAL MAP FOR CAPRIANO PHASE VIIB (TRACT 9771)**

#### **RECOMMENDED ACTION(S):**

- 1) Approve the final map
- 2) Authorize the recordation of the map following recordation of the Development Improvement Agreement

**EXECUTIVE SUMMARY:** Tract 9771 is a 10 lot subdivision located on the west side of Dougherty Avenue between Coriander Avenue and Basil Court (see attached diagram). The developer has completed all the conditions specified by the Planning Commission in the approval of the Tentative Map on April 26, 2005.

The developer has furnished the City with the necessary documents to complete the processing of the Final Map and has made provision with a Title Company for the recordation of the Final Map.

**FISCAL IMPACT:** Development review for this project is from development processing fees.



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: JANUARY 11, 2006**

### **ACCEPTANCE OF JACKSON OAKS BOOSTER STATION REHABILITATION PROJECT**

#### **RECOMMENDED ACTION(S):**

1. Accept as complete the Jackson Oaks Booster Station Rehabilitation project in the final amount of \$1,089,671.
2. Direct the City Clerk to file the attached Notice of Completion with the County Recorder's Office.

**EXECUTIVE SUMMARY:** The construction contract for the Jackson Oaks Booster Station Rehabilitation project was awarded to Trinet Construction Inc. by City Council at the October 27, 2004 meeting in the amount of \$1,026,025, plus a 10% contingency of \$102,602.

The scope of work for this project included the construction of a new booster station building including all new pumps, motors, motor controls and approximately 3000 lineal feet of new 12-inch water pipeline replacing an existing 8-inch pipeline.

During construction, several change orders totaling \$63,646 were approved for unforeseen conditions. The final construction cost totaled \$1,089,671. The work was substantially complete by December, 2005 in accordance with the Contract, Plans and Specifications.

**FISCAL IMPACT:** The total construction cost was \$1,089,671. The project was funded in the 2004-2005 Capital Improvement Program budget as follows: Booster Pump Rehabilitation, Project #607093 with a budget of \$700,000, Water Main Replacement, Project #610093 with a budget of \$290,000 and New Water Mains, Project #603093 with a budget of \$98,650, plus an appropriation of \$40,000 from the unappropriated Water fund (653).

**Agenda Item # 9**

**Prepared By:**

**Senior Civil Engineer**

**Approved By:**

**Public Works Director**

**Submitted By:**

**City Manager**

Record at the request of  
And when recorded mail to:

CITY OF MORGAN HILL  
CITY CLERK  
17555 Peak Avenue  
Morgan Hill, CA 95037

RECORD AT NO FEE PURSUANT TO GOVERNMENT CODE SECTION 27383

NOTICE OF COMPLETION  
CITY OF MORGAN HILL

**JACKSON OAKS BOOSTER STATION REHABILITATION PROJECT**

NOTICE IS HEREBY GIVEN, pursuant to Section 3093 of the Civil Code of the State of California, that the Director of Public Works of the City of Morgan Hill, California, on the 11th day of January, 2006, did file with the City Clerk of said City, the contract for performing work which was heretofore awarded to Trinet Construction Inc., on October 27, 2004, in accordance with the plans and specifications for said work filed with the City Clerk and approved by the City Council of said City.

That said improvements were substantially completed in December 2005, accepted by the City Council on January 11, 2006, and that the name of the surety on the contractor's bond for labor and materials on said project is Insurance Company of the West.

That said improvements consisted of the construction and installation of all items of work provided to be done in said contract, all as more particularly described in the plans and specifications therefore approved by the City Council of said City.

Name and address of Owner: City of Morgan Hill  
17555 Peak Avenue  
Morgan Hill, California

Dated: \_\_\_\_\_, 2006.

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Jim Ashcraft, Director of Public Works

I certify under penalty of perjury that the foregoing is true and correct.

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Irma Torrez, City Clerk  
City of Morgan Hill, CA  
Date:



**CITY OF MORGAN HILL  
SPECIAL CITY COUNCIL MEETING  
MINUTES – DECEMBER 16, 2005**

**CALL TO ORDER**

Mayor Kennedy called the special meeting to order at 7:32 a.m.

**ROLL CALL ATTENDANCE**

Present: Council Members Carr, Tate and Mayor Kennedy  
Late: Council Members Grzan and Sellers (both arrived at 7:36 a.m.)

**DECLARATION OF POSTING OF AGENDA**

City Manager Tewes certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

**CLOSED SESSIONS:**

City Manager Tewes announced the below listed closed session item:

1.

**PUBIC EMPLOYEE APPOINTMENT**

Authority:	Government Code Sections 54957
Consideration:	City Attorney
Attendees:	City Manager, Interim City Attorney, Bob Murray

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor Kennedy opened the Closed Session item to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor Kennedy adjourned the meeting to Closed Session at 7:34 a.m.

Mayor Pro Tempore Grzan excused himself from closed session at 9:30 a.m.

**RECONVENE**

Mayor Kennedy reconvened the meeting at 12:02 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Mayor Kennedy announced that no reportable action was taken in closed session.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS**

No items were identified.

**ADJOURNMENT**

There being no further business, Mayor Kennedy adjourned the meeting at 12:04 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK**

**CITY OF MORGAN HILL  
JOINT SPECIAL CITY COUNCIL  
AND SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – DECEMBER 14, 2005**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 6:00 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Sellers, and Mayor/Chairman Kennedy  
Late: Council/Agency Member Tate (arrived at 6:04 p.m.)

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council and Redevelopment Agency Action***

**CLOSED SESSIONS:**

Interim City Attorney/Agency Counsel Siegel announced the below listed closed session items, indicating that closed sessions relate to anticipated litigation and personnel/appointment.

**1.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority: Government Code Sections 54956.9(b) & (c)  
Number of Potential Cases: 4

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the Closed Session items to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 6:03 p.m.

Council/Agency Member Tate joined the Council/Agency Board in closed session.

**RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 7:02 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Interim City Attorney/Agency Counsel Siegel announced that no reportable action was taken in closed session regarding personnel: City Attorney. He indicated that this closed session item has been completed. However, the remaining items listed under anticipated litigation have not been completed and that the Council would be returning to closed session at the conclusion of the open session regarding anticipated litigation.

### **SILENT INVOCATION**

### **PLEDGE OF ALLEGIANCE**

### **CITY COUNCIL SUBCOMMITTEE REPORT**

None

### **CITY MANAGER REPORT**

City Manager Tewes presented an update on the Community Conversation process launched by the City Council. He reported that the City has held successful rehearsals. He stated that part of the outline of the program adopted by the Council included asking volunteers to help the City refine the materials and the processes so that when the City initiates the community conversation in January, the City will have a sense that materials are clear/useful and that the process is one that can be affectively managed within a defined timeframe. He informed the Council that this process has worked well and that the City will now move forward in training a series of facilitators so that as many conversations as possible can be held. He thanked Mayor Pro Tempore Grzan for his column in one of the local newspapers publicizing the community conversation. He stated that it is the City's goal to have as many individuals participate in this unique and deliberative process as citizens will be asked to participate in 2-2½ hour sessions to engage in conversations with their neighbors and fellow citizens about what is important in Morgan Hill and how the community can develop options. Based on the rehearsals, staff believes the community conversations will go well. He indicated that every household in the city received mailed notice about the community conversation as part of City Connections. He stated that the newsletter invites individuals to let the City know if they are interested in participating in the community conversation.

### **CITY ATTORNEY REPORT**

Interim City Attorney/Agency Counsel Siegel stated that he did not have a report to present this evening.

### **OTHER REPORTS**

### **PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on this evening's agenda.

Steven Serchia informed the Council that the Morgan Hill Bowling Center will be reopening soon. He indicated that he has been talking to the Morgan Hill Police Department as well as the Santa Clara

County Sheriffs department as he would like to keep the bowling center safe and a fun environment by having uniformed off duty officers on site in the evenings. To be offered is a family membership program so that families can utilize the facility. He informed the Council that the grand opening is scheduled for February 1, 2006.

Mayor Kennedy complimented and thanked Mr. Serchia for reopening the bowling alley.

No further comments were offered.

## ***City Council Action***

### **CONSENT CALENDAR:**

Mayor Pro Tempore Grzan requested that item 1 and Mayor Kennedy requested that item 5 be removed from the Consent Calendar.

**Action:**        *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **Approved** Consent Calendar Items 2-4 and 6 as follows:*

2.    **INDOOR RECREATION CENTER PROJECT – NOVEMBER CONSTRUCTION PROGRESS REPORT**  
***Action:** **Information** only.*
3.    **BUDGET AMENDMENT TO AUTHORIZE THE EXPENDITURE OF \$32,000 IN GRANT FUNDS FROM THE SANTA CLARA VALLEY WATER DISTRICT**  
***Action:** **Amended** the Fiscal Year 2005-2006 Budget to Authorize the Expenditure of \$32,000 in Grant Funds Received from the Santa Clara Valley Water District for Storm Water Quality Outreach Efforts.*
4.    **RESOLUTION AMENDING CITY'S CONFLICT OF INTEREST CODE REPORTING CATEGORIES**  
***Action:** **Adopted** Resolution No. 5965, amending the list of positions subject to the City's Conflict of Interest Code.*
6.    **AB1600 DEVELOPMENT IMPACT FEE REPORT FOR FISCAL YEAR 2004-2005**  
***Action:** **Accepted** and **Filed** the AB1600 Development Impact Fee Report for the 2004-2005 Fiscal Year.*
1.    **NOVEMBER 2005 FINANCE & INVESTMENT REPORT - CITY**

Mayor Pro Tempore Grzan inquired as to the projected deficit for the year based on the figures included in the staff report and with the addition of the aquatics center item to be considered by the City Council later this evening.

Finance Director Dilles said that the City is looking at approximately a \$1.3 million deficit at this time.

City Manager Tewes indicated that some revenues have done better while others have not. He said that expenditures are less than budgeted. He stated that staff will be presenting the Council with an overall perspective in January 2006.

**Action:**        *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **Accepted** and **Filed** Report.*

**5.     ACCEPTANCE OF SCOREBOARD DONATION FOR THE AQUATICS CENTER FROM THE RICK FAMILY**

Mayor Kennedy indicated that he pulled this item from the Consent Calendar in order to recognize the Rick family for their donation. He noted the staff report indicates that the scoreboard is valued at \$6,960. He stated that he attended a swim meet held this weekend as well as prior swim meets; noting that the City has been doing well in attracting swim meets. He felt that a scoreboard such as this one will help continue the attraction. He thanked the Rick family for their donation.

**Action:**        *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **Accepted** the Donation of a Ten Lane Colorado Scoreboard by the Rick Family to the Aquatics Center.*

***City Council and Redevelopment Agency Action***

**CONSENT CALENDAR:**

**Action:**        *On a motion by Council/Agency Member Tate and seconded by Council/Agency Member Carr, the City Council/Agency Board unanimously (5-0) **Approved** Consent Calendar Items 7 and 8 as follows:*

**7.     SPECIAL CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR NOVEMBER 30, 2005**

**Action:** **Approved** as Submitted.

**8.     SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES FOR DECEMBER 7, 2005**

**Action:** **Approved** as Submitted.

***Redevelopment Agency Action***

**CONSENT CALENDAR:**

**Action:**        *On a motion by Agency Member Tate and seconded by Agency Member Carr, the Agency Board unanimously (5-0) **Approved** Consent Calendar Items 9-11 as follows:*

**9.     NOVEMBER 2005 FINANCE & INVESTMENT REPORT - RDA**

**Action:** **Accepted** and **Filed** Report.

**10. ROYAL COURT FOR-SALE HOUSING – MODIFY LOAN TERMS TO PROVIDE GREATER AFFORDABILITY**

**Action:** **Authorized** the Executive Director to Modify as Appropriate, and Execute, Subject to Review and Approval by Agency Counsel, the Loan Documents Allowing \$1 Million of the Existing Redevelopment Agency Loan Amount to be used for 45-Year Resale Restrictions for Nine For-Sale Homes.

**11. LOAN PAYOFF FROM ANRITSU**

**Action:** **Authorized** the Executive Director to do Everything Necessary and Appropriate to Accept \$57,519.31 as the Payoff for the Total Outstanding Principal (\$44,162.75) and Interest (\$13,356.56) for the Loan to Anritsu Company.

## ***City Council Action***

### **PUBLIC HEARINGS:**

**12. DEVELOPMENT AGREEMENT AMENDMENT, DAA-04-03: DEWITT-LATALA – Ordinance No. 1749, New Series**

Planning Manager Rowe presented the staff report on a request to amend the development schedule for a 4-lot residential development to be located on DeWitt Avenue from June 30, 2005 to March 31, 2006. He indicated that the Planning Commission recommends Council approval of the amendment to the development agreement, extending the time limits for obtaining building permits.

Mayor Kennedy indicated that he received a phone call from a resident on John Telfer Drive regarding a problem with the bright light reflection from the new street lights. He inquired whether something can be done to reflect the lights downward.

City Manager Tewes informed the Council that staff met with the resident and was able to assure the resident that the City would provide the appropriate reflectors and shields to address concerns. He indicated that once the trees and shrubs mature, they will provide additional screening.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

**Action:** On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **Waived** the reading in full of Ordinance No. 1749, New Series.

**Action:** On a motion by Council Member Tate and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1749, New Series, by title only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1699, NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION DA-04-**

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**03: DEWITT-LATALA. (APN 773-08-012), by the following roll call vote: AYES: Carr, Grzan, Kennedy, Sellers, Tate; NOES: None; ABSTAIN: None; ABSENT: None.**

**13. ZONING AMENDMENT, ZA-05-12: MONTEREY-CITY OF MORGAN HILL/MORGAN HILL HOUSE – Ordinance No. 1750, New Series**

Council Member Sellers indicated that he would be recusing himself from this item as he resides adjacent to this project. He excused himself from the Council Chambers.

Planning Manager Rowe presented the staff report on a request to amend the zoning on approximately 2.37 acres, the site of the Morgan Hill House and the location of the recently relocated Morgan Hill Museum from open space to public facilities in order to bring the property into compliance with the general plan. At the November 29, 2005 meeting, the Planning Commission voted to recommend Council adoption of the ordinance to bring the zoning into compliance with the general plan.

Mayor Kennedy opened the public hearing. No comments being offered, the public hearing was closed.

**Action:** *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Sellers absent, **Waived** the reading in full of Ordinance No. 1750, New Series.*

**Action:** *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council **Introduced** Ordinance No. 1750, New Series by title only as follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM O-S, OPEN SPACE TO P-F, PUBLIC FACILITIES ON 2.37 ACRES LOCATED AT 17860 MONTEREY ROAD (APN 726-24-020), by the following roll call vote: AYES: Carr, Grzan, Kennedy, Tate; NOES: None; ABSTAIN: None; ABSENT: Sellers.***

Council Member Sellers resumed his seat on the Dais.

## ***City Council Action***

### **OTHER BUSINESS:**

**14. OPTIONS FOR PLACING INITIATIVE ON BALLOT TO REMOVE SUPERMARKET RESTRICTION AT COCHRANE PLAZA**

Interim City Attorney Siegel said that as part of the direction in the approval of the Browman-DiNapoli project, the Council directed staff to return with options concerning removal of the supermarket restriction on Cochrane Plaza. He indicated that an initiative, passed by the voters of Morgan Hill, placed a restriction on the use of supermarkets at Cochrane Plaza. He stated that the only way to remove this restriction is by another vote of the people. There are two options to placing the measure on the ballot: 1) signatures to be gathered with the item to be presented to the Council and the County Board of Supervisors/Registrar of Voters to place the measure on the ballot; or 2) the Council, on its own accord,



can place the measure on the ballot. He indicated that there are three possible elections coming up: 1) a special election in March 2006 with the cost being approximately \$250,000 plus environmental review costs; 2) June 6, 2006, a primary election; and 3) November 7, 2006, a gubernatorial/City Council election. He informed the Council that staff was provided with estimates by the County for election costs and that it appears that it would cost approximately \$50,000 to place a measure on the ballot. It appears that there may be a slight savings if there is more than one initiative on the ballot of approximately 10% for a second ballot measure. Should the City place a measure on the ballot, it will be a city project and would require CEQA review. Staff will not know the level of review until staff knows what will be placed on the ballot. He said that it is staff's belief that CEQA review will be in the form of a negative declaration or mitigated negative declaration. It is possible that an EIR would be required. Staff expects a cost of approximately \$7,500 - \$20,000 to pay for the cost of an environmental review. If a measure is placed on the ballot by signatures, there is no requirement for CEQA review, a cost savings.

Interim City Attorney Siegel informed the Council that CEQA review needs to be completed by March 10 for a June 2006 ballot measure and August 11 for a November 2006 ballot measure. Also, the final language needs to be decided upon. He requested Council direction on whether staff should proceed to prepare language for the ballot and whether the language should solely be for removing the restriction on the shopping center. If it is the Council's decision to go with a June 2006 ballot, staff will proceed with CEQA review in order to have the review completed on time.

Mayor Kennedy opened the floor to public comment.

Kirsten Powell, speaking on behalf of the Morris family, owners of the Cochrane Plaza Shopping Center, requested the Council do what it can to save Cochrane Plaza, in light of the approval of the shopping center on the other side of Highway 101. She said that it has been explained that the DiNapoli-Browman project will have a detrimental impact on the Cochrane Plaza Shopping Center. She noted that the City's report confirms this fact. It is her belief that should the restriction be removed, it would give Cochrane Plaza one more chance to survive and be competitive in this market. She and the Morris family do not believe the grocery store restriction has merit and that the market place should dictate who the tenants should be. She felt it critical that a measure be placed on the June 2006 ballot rather than the November 2006 ballot as Target is planning to vacate the site in March 2007. This means that leasing needs to occur immediately. She felt that waiting until a November 2006 ballot measure would be too late.

No further comments were offered.

Mayor Pro Tempore Grzan inquired whether the owners of Cochrane Plaza would negotiate in good faith from this point forward in order to avoid costs. He inquired whether the Cochrane Plaza owners would engage in leasing the building and not wait until June or November 2006 to act in this regard.

Ms. Powell stated that difficulty lies with Target owning the property at Cochrane Plaza; not the Morris family. She informed the Council that Target is marketing the property with no guarantees that grocery stores would be allowed. She felt Target would have difficulties marketing the property, from a disclosure perspective, to a grocery store use until such time an initiative is approved.

Council Member Sellers stated his support of moving forward with a June 2006 ballot measure. He felt the City has an obligation to do so. It was his recollection that it was the City's action that placed the grocery store restriction on the shopping center. Whatever reason for the restriction, he did not believe it made sense today. He said that the applicant could move forward on their own or by hiring petition gatherers that would cost the owners approximately \$4,000 to gather signatures. He felt it appropriate for the Council to place a June 2006 measure on the ballot that would give consideration to removing the grocery store restriction at the Cochrane Plaza shopping center. The Council could place the measure on the June 2006 ballot and remain neutral on the position; allowing the voters to decide the outcome. However, he felt it appropriate for the Council to express its opinion that it is supportive of the highest and best use of the land. He did not believe there would be a significant impact with the departure of the Target Store as there is an opportunity for the Cochrane Plaza shopping center to become stronger and vibrant than it is today. He felt the Council needs to do its part to make sure this happens. He addressed the fees identified for placing the measure on the ballot. He felt the City was at the mercy of the Registrar of Voters in what they tell staff are the costs. In working with other Registrars of Voters offices in other counties of similar sized cities, costs are significantly lower. He noted that the cost is not insignificant for a June 2006 ballot and that the City is anticipating another measure that will be placed on the ballot. He would like to see the costs for both measures go down in June.

Interim City Attorney Siegel said that staff will need to look into election costs. He was not aware of any flexibility in election costs, but that he may be able to get information to the Council on comparative numbers. Staff can make sure that the numbers provided are accurate.

City Manager Tewes said that one of the reasons cities are seeing higher election costs in recent years is attributed to the fact that the Santa Clara County made a decision to amortize the costs of new electronic machines over a shorter period of time than other counties. Therefore, elections over the next 2-3 years are likely to be more expensive than they have been in the past versus what they will be five years from now.

**Action:** *Council Member Sellers made a motion to **Direct** that a measure be placed on the June 2006 ballot; stating that the Council believes it is a good idea to remove the supermarket restriction from the Cochrane Plaza shopping center.*

Interim City Attorney Siegel clarified that at this point, staff is looking for direction from Council. Staff will return to the Council with a ballot measure along with direction on what the Council can or cannot do with ballot measures once they are placed on the ballot.

**Action:** *Council Member Sellers made a motion, seconded by Council Member Carr, to: 1) **Direct** the City Attorney and Planning Division staff members to begin the process to place an initiative measure on the June 2006 ballot that would remove the supermarket restriction from the Cochrane Plaza Shopping Center; and 2) **Expressed** support in getting the shopping center up and running.*

Mayor Kennedy felt that it was important to place the measure on the ballot as early as possible; the June 2006 election. He stated that economic development is important to the City; especially

commercial-retail businesses as they relate to the City's budget. There is also a need for Morgan Hill residents to shop locally. He felt that a ballot measure that gives consideration to the removal of the grocery store restriction would be an investment in economic development, and would provide the ability for Target to start the process of backfilling the space that will become empty.

Council Member Tate noted that the City's general plan encourages grocery store opportunities in this area. He did not recall why the restriction was placed on the shopping center initially. He stated his support of a June 2006 ballot measure so that it does not confuse the voters with other items and measures to be placed on the November 2006 ballot.

**Vote:**            *The motion carried unanimously (5-0)*

#### **15.    CIVIC CENTER PLAZA BENCHES**

Special Assistant to the City Manager Spier presented the staff report, informing the Council that she appeared before the Council on November 30, 2005 to advise the Council that staff was at 100% construction documents on the library project with completion scheduled for December 21, 2005. She indicated that benches were items that had not been completed as far as what the Library, Culture & Arts Commission and the Sister Cities perceived as being the civic center bench decision. She noted that the benches are part of the project budget and have always been a part of the project as outdoor seating was desired for the civic center plaza. At the November 30 meeting, the Council sent her back to work with the Library, Culture & Arts Commission and the Sister Cities Committee. She informed the Council that these two groups met on December 12 with two members from the Sister Cities Committee making a presentation to the Library, Culture & Arts Commission; outlining their understanding of the civic center project and how they would like to see the City's sister cities be incorporated. She noted that there are two sets of seating areas: six benches sited along the entrance of the library, and six benches/seat walls that are a part of the civic center plaza. She provided the Commission with a preliminary design of the benches. The Commission is recommending a stack of books as an architectural element. She indicated that she received communication from the Friends of the Library stating their support of the design as specified by the Library, Culture, and Arts Commission. The Commission further stands behind their November 30 recommendation to the Council. She informed the Council that the Commission is committed to assisting the Sister Cities Committee with sister cities display cases at the Community & Culture Center in a future report to the City Council. It is understood that there is no funding for the display cases. She clarified that the six benches that are located in the civic center plaza have a learning language wall, depicting sayings in six languages.

Council Member Tate indicated that the Library, Culture & Arts Commission took a Library Commission stand on the benches by stating that it was their belief that items to be placed at the library should be associated with the library. Yet, they took a Cultural Commission stand on the Sister Cities Committee's request to have a cultural reflection within the community of the City's sister cities and their presence. He said that the Commission agreed to work with the Sister Cities Committee to have sister city items displayed at the Community & Culture Center. However, the Council is not being asked to act on this recommendation this evening. He wanted to assure the Council that the Commission is looking at the cultural aspects of the City's sister cities as well, and will be proposing a recommendation in the future.

Mayor Kennedy stated that as the City Council's representative to the Sister Cities Committee, he would address the concept of sister city benches for the Committee. He said that this is a civic center plaza; not just a library plaza. When the Council first discussed moving the library to the civic center site, he said that the concept of a plaza came up with the idea of having a place to give the City's sister cities recognition. He felt the civic center plaza would be an ideal location to give recognition to the City's sister cities. One thought was to have flags displayed from each country. He indicated that the library architect originally came up with the idea that the back of the benches would have information regarding each sister city. It is his understanding that the Library, Culture & Arts Commission did not like this concept and that they wanted all information on the site to be related to the library. As the flag poles are not incorporated into the budget, as it is costly; he felt that recognition of the City's sister cities could be incorporated into the benches. He recommended that each bench incorporate a display or indication of the City's sister cities. When the City has sister city delegates visiting Morgan Hill, they can see that the City incorporated information about them in the civic center. He encouraged the Council to keep the civic center plaza and not just focus on the library. He noted that the library has separate benches and its own opportunities for display. As much as he strongly supports the library and moving its location on this site, it is his belief that the civic center plaza is a good location for the benches that incorporates sister city information.

Council Member Carr stated that he did not understand where the Sister Cities Committee stands on this issue. He noted that the Council received a report that the Sister Cities Committee attended a Library, Culture & Arts Commission at which time there was a discussion about this item. He noted that the Commission is returning to the Council supporting its previous position. However, the staff report does not indicate the Sister Cities Committee's position. He inquired whether Mayor Kennedy's position was reflective of the Sister Cities Committee's recommendation.

Council Member Tate informed the Council that two members from the Sister Cities Committee were in attendance at the Library, Culture & Arts Commission Monday night and made a presentation. The Committee requested that the benches reflect information about the City's sister cities. He noted that two members of the Sister Cities Committee also sit as Library, Culture & Arts Commissioners who voted not to support the Sister Cities Committee request.

Council Member Carr felt that more work needs to be done on this item. It was his recollection that when the Council made the decision to retain the library in this center, one of the arguments made was that the City was going to develop a civic center plaza; not a library plaza. It was felt that the civic center plaza would be an appropriate place to display information about the City's sister cities. He was not sure whether the Council needs to make a decision between one or the other. It was felt that the benches would be made of precast concrete book benches and that there is a cost associated with the benches. It was his belief that within the design of the book benches, the City could incorporate information about the sister cities. He inquired whether the architects could be asked whether the book benches could incorporate a title that is reflective of the City's sister cities. The book title could be written in the language of the City's sister cities or list a famous author from the region/country of the sister city. He noted that during the library discussions, people talked about the idea of education and lifelong learning. He could not think of anything that is more important for the community's youth to learn about diversity and tolerance; the hallmark of sister city relationships. It was his belief that there

may be ways to incorporate both the library design and the relationship of sister cities to achieve what the Commission and the Committee are trying to accomplish.

Mayor Kennedy noted that there are six benches designed close to the library. There are six other benches that were originally proposed to be used as sister city benches; containing information on the sister cities. Therefore, there are a total of 12 benches. He did not understand why both concepts cannot be incorporated. It was his belief that the library book benches were reflective of the library. However, he did not believe there was a need for all 12 benches to focus on the library.

Council Member Grzan inquired what would happen should the City develop future relationships with other cities.

Mayor Kennedy noted that the City currently has two sister city relationships, and is in the process of adding a third sister city relationship, with the possibility of establishing a fourth sister city relationship with Japan. He indicated that there is room for expansion to add two sister cities beyond the four potential sister cities should this be the decision of the City Council. As an alternative, the City could incorporate additional benches.

Council Member Tate said that at the Council's November 30 meeting, the Council directed staff to take the request for sister city benches to the Library, Culture & Arts Commission at the request of George Nale; requesting that the Commission meet with the Sister Cities Committee. The Commission was to return with a recommendation. He noted that the Commission has returned to the Council with the same recommendation following their discussion with the Sister Cities Committee. However, the Commission recognized the need for acknowledgement of the City's sister cities within the community and recommended that this be done at the Community & Culture Center. He indicated that the Commission's decision is endorsed by the Friends of the Library who are conducting fundraising efforts for a lot of the library needs. He recommended that the Council accept the Commission's recommendation. He again noted that there are two members of the Sister Cities Committee who sit on the Library, Culture & Arts Commission who supported the Commission's position.

Mayor Kennedy noted that the Library, Culture & Arts Commission was primarily a library commission and that it was only recently that the Council added a new member who would evaluate culture and arts. He stated that he was not surprised that the Commission would take a position in strong support of the library. However, he felt the Council needs to look at the broader goals of the City, as a whole. He noted that even when the library proposal was sent to the state competition, the project identified sister city flag poles within the plaza. He stated that while he respects the position of the Commission, he felt the Council needs to look at the broader goals of the City. With 12 benches, the City has an opportunity to address both the library needs and give recognition to the City's sister city relationships. It was his belief that Commissioner Dillmann has advocated having a display at the Community & Culture Center. He stated that although the Community & Culture Center is a completed facility, space is not as readily available, and that the cost would be great as you would have to retrofit the facility.

Council Member Tate said that there was a lot of discussion at the Library, Culture & Arts Commission meeting and that there was a feeling that you could inexpensively use some wall space and bring in display cases at the Community & Culture Center. He noted that there is no financing for flagpoles

associated with the library project. However, there is a strong feeling by the Commission that they could be appropriately situated in front of the Community & Culture Center.

Mayor Kennedy inquired as to the proposal for incorporating sister cities recognition at the Community & Cultural Center, including the costs.

Ms. Spier stated that she did not know what it would cost to incorporate sister cities recognition at the Community & Culture Center. She indicated that Commissioner Dillmann has talked about the possibility of installing a display case in the space adjacent to the El Toro Room. There was discussion about security issues and the fact that it would have to be a lockable display case with the Sister Cities Committee funding the display case. Also, discussed were plaques at the fountain as a possibility and/or future benches around the amphitheater area. It was her belief that Library, Culture & Arts Commissioner Cook addressed the issue of possibly having a wall dedicated to sister cities art work; a changeable art display. She stated that the Commission tried to come up with ways to assist the Sister Cities Committee. She indicated that \$15,000 has been spent on three small art display cases to give the Council an idea as to the costs associated with display cases.

Mayor Kennedy stated that the City has been accumulating a number of memorabilia items from various sister cities; some of the items being displayed in his office. He did not believe these items belong in his office, but belong in a public place. He felt that a display case was a good idea. There are also art pieces being stored in the Villas Conference Room and are not being well taken care of as there is no place to display them. Therefore, it was his belief that display cases are important and should be purchased in any event. He stated that he would be willing to assist with the purchase of display cases. However, this does not answer the question at hand. It was his belief the City needs to provide a public place for sister cities representation.

Mayor Pro Tempore Grzan stated that he was inclined to go along with the recommendation of the Library, Culture & Arts Commission as it is the recommendation before the Council. He did not see any reason to overrule their recommendation at this time. He indicated that he has advocated to the Council that commissions be allowed to do their job. The Commission has considered the options; receiving a presentation from the Sister Cities Committee. He noted that it was stated that two members from the Sister Cities Committee sit on the Commission who agreed with the Commission. Therefore, he was inclined to support the Commission's recommendation.

**Action:**      *Council Member Tate made a motion, seconded by Council Member Sellers, to **Approve** the recommendation from the Library, Culture and Arts Commission for Design Elements of Civic Center Plaza Benches (staff's recommended action).*

Council Member Carr agreed that there is an argument that this would be a civic center plaza and not just a library center. This would be a place where the community gathers and community activities occur. The plaza would not only be about books and literacy. He felt that this is a little disingenuous by some individuals. He said that he does not have the insight of having attended the Library, Culture & Arts Commission meeting to hear the discussion. However, from reading the staff report, he does not get a sense of interest in working toward a solution. The Commission agreed to stay with its original recommendation and agreed to work with the Sister Cities Committee toward a display case. He felt that

a display case needs to be located at the Community & Culture Center and that the artifacts need to be protected and displayed. He noted that the City has stated for a long time that it would do something with sister cities at this location. He said that if there was an alternative proposal to the benches at the civic center, it would be easy to support the recommendation. However, he does not see a willingness to do so. He felt the motion should include a statement that the Council wants to make this a true civic center; incorporating other aspects of civic life at the civic center. It was his belief that the City is wasting a great opportunity in a facility that is being built.

Mayor Pro Tempore Grzan stated that he was not advocating one position over the other. He stated that he would like to move forward with the recommendation items contained in the staff report. He said that he understands the value of what Council Member Carr was stating. He inquired whether the Council wants to go back to the Commission one more time. If so, would it delay the construction of the library by going back to the Commission for further consideration?

Ms. Spier informed the Council that the City is under a timeline and that staff has to complete the construction documents by December 21, 2005. Therefore, there is not enough time to take this item back to the Commission for further consideration. She stated that it was her belief that wording would be inscribed into the cement pad. She said that it has been suggested that at least three benches could be reflective of the City's three sister cities.

Mayor Kennedy felt the City could proceed with the concept; leaving the language out. He recommended the City take additional time to receive feedback. He did not believe it would be difficult to change the inscription at some point.

Ms. Spier clarified that what is being proposed is formed lettering or characters inscribed onto concrete. Therefore, the Council will need to decide on the wording to be included in the construction documents. As long as the seat walls and their location are identified, staff can continue to move forward.

City Manager Tewes informed the Council that staff is preparing the bid documents in order to receive sealed bids from contractors who will provide a fixed price for the total project. It was his belief that Mayor Kennedy's point is that the Council move forward with the proposal as currently designed and that subsequent to the award of the contract, through a change order process, the City could change the project at some additional cost. In order to meet the schedule outlined by the Council, staff needs to go out to bid with 100% construction drawings.

Council Member Tate inquired whether the motion could include flexibility as suggested by Mayor Kennedy such that the words are not identified at this time; inscribing after it has been determined what is to be inscribed.

Mayor Kennedy recommended that a note be included that stipulates that language is to be provided. The contractor can bid knowing that the language would be provided at a later date and would not delay the project. It can be a generic statement versus identifying specific language.

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**Action:** *Council Member Tate made a motion, seconded by Council Member Sellers, to amend the motion to incorporate a generic statement regarding inscription. The amended motion carried unanimously (5-0).*

**16. 2005-2006 HAZARDOUS VEGETATION PROGRAM – Resolution No. 5966**

Assistant to the City Manager Dile presented the staff report, requesting the City Council adopt the schedule for the 2006-Hazardous Vegetation Program.

Mayor Kennedy opened the floor to public comment. No comments were offered.

**Action:** *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council unanimously (5-0) **Adopted** Resolution No. 5966, Declaring Weeds and Brush to be a Nuisance and Setting January 11, 2006 as the date for the Public Hearing Regarding Weed Abatement; and June 7, 2006 as the date for the Public Hearing Regarding Brush Abatement.*

**17. COMMUNITY SPECIAL EVENT FUNDING REQUESTS**

Special Assistant to the City Manager Spier informed the Council that she is reporting the action the Chamber of Commerce and the Downtown Association have worked toward. She said that there is some consensus about what the rules/policies should be for the closure of Monterey Road with special events based on impacts to downtown merchants. They also have recommendations on how the City can coordinate with them in terms of granting special event permits to the regular annual celebrations as well as new events that are starting to look favorably at downtown Morgan Hill. She identified staff recommended actions. She informed the Council that there have been a variety of times that Monterey Road has been closed on Fridays. Staff would like to see a cohesive standard time when Monterey Road can be closed on Fridays. She noted that there is no funding allocated for any special events this year except for centennial events from the Community Promotions budget.

Mayor Kennedy opened the floor to public comment.

Dan Craig indicated that the Mushroom Mardi Gras and the Specialized Bicycles' events were new events in the downtown last year; both highly successful events. He said that the Downtown Association welcomes the exposure and attention that these events bring. However, there are times when there is a misunderstanding about how much benefit businesses receive with these downtown events; while serving as a hardship for many. He indicated that businesses believe that in the interest of economic development, they would not stand in the way of special events. He said that the addition of two events alerted the Downtown Association and a question by the membership of when Friday closures should occur. It was his belief that the Friday street closure associated with the Mushroom Mardi Gras became contentious because it was a new event in the downtown; along with the other regular events taking place in the downtown. He informed the Council that Mushroom Mardi Gras representatives have stated that a 10 p.m. road closure does not work as they are considering a street dance. He informed the Council that businesses are receptive to an earlier street closure if this event included a street dance as people would patronize restaurants. As it stands now, the Downtown Association recommends a 10:00



p.m. Friday closure. He indicated that the Chamber of Commerce has gone on record as stating that they will go along with the 10 p.m. closure unless there is a street dance proposed as part of the special event. They are willing to support a 6 p.m. street closure if the event includes a street dance. He indicated that Sunday Minnich would like to cooperate with the Downtown Association and the Chamber of Commerce on a street dance, with a 5 p.m. street closure. Should it be that special event promoters want a street closure on Friday nights and are not proposing a street dance, there is an impasse on a 7 p.m. or 10 p.m. street closure. He felt that there needs to be some discussion on how many events per year are appropriate for the downtown business district.

Mayor Kennedy inquired whether staff's recommended action addresses the issues raised or whether there are differences on the issues.

City Manager Tewes clarified that staff is offering two recommendations: 1) the Council to establish a process by which the City receives proposals from groups seeking City financial assistance; and 2) there be established common rules for the closure of downtown. He informed the Council that staff is not recommending the Council establish the common rules for road closure this evening, but to consider the concept of common rules. Staff recommends the Council authorize staff to continue to work with the affected organizations to develop the common rules.

Mr. Craig informed the Council that the Downtown Association has exhausted its efforts on trying to work out the Friday night street closure with the Mushroom Mardi Gras representative. It was his belief that at some point staff will need to make a recommendation for Council consideration. He clarified that the Downtown Association is in agreement with an earlier street closure, if associated with a street dance. Without a street dance, an impasse remains.

Gary Walton said that when the Mushroom Mardi Gras conducted its first downtown event, the Downtown Association conducted an evaluation. The Downtown Association provided Mushroom Mardi Gras representatives with information on where there might be improvements the following year. He felt it important to keep communication open between the downtown merchants and whatever event is to occur in the downtown. He said that certain things are grated by the Downtown Association in terms of whether the special event proponents left the downtown clean, did problems arise, etc. He felt communication was important so that little problems do not become bigger problems.

No further comments were offered.

Council Member Tate indicated that he is a member of a board that may be influenced by these rules. He inquired whether he should be excusing himself from participation in these discussions.

Interim City Attorney Siegel noted that the Council would not be establishing rules, but merely deciding whether it will consider establishing rules. He did not believe Council Member Tate has a conflict on this matter at this time.

Council Member Sellers stated his support of staff's recommended actions as it would give the Council stability when it comes to budgeting for funding requests. He noted that the City is trying to add several hundred housing units in the next 3-5 years. As these units come on board, this would exacerbate the

problem for individuals residing in and near the downtown for the street closure. He felt that the problem with Mushroom Mardi Gras was made more significant by the fact that the event was held on the Friday of the Memorial Day weekend; creating a significant strain on the downtown. He did not support street closures any earlier than 9 p.m. if a street dance is not associated with the special event. This is the time when major businesses start to wind down or have reached enough of a critical mass where individuals would not be coming in and out of the downtown quickly. He felt it important that every effort be made to incrementally close the street(s) to lesson the impacts.

**Action:** *Council Member Sellers made a motion, seconded by Council Member Tate, to **Direct** that all Special Event Funding Requests be Submitted to Council no later than March 31, 2006 for Fiscal Year 2006-2007, and that this will become an Annual Requirement for Funding Requests.*

**Action:** *Council Member Sellers made a motion, seconded by Council Member Tate, to **Direct** that Requests for April 2006 thru June 30, 2006 be Determined on a Case by Case Basis.*

**Action:** *Council Member Sellers made a motion, seconded by Council Member Tate, to **Direct** that all requests be reviewed by Council within 30 Days of the Deadline to enable Council to provide budget direction to staff.*

**Action:** *Council Member Sellers made a motion, seconded by Council Member Tate, to **Require** that all Downtown Events Requesting a Friday Closure of Monterey Street to Follow the Specific Time Approved for all Events: no earlier than 9:00 p.m. on Friday nights without a street dance associated with the special event; with Exemptions Requiring Approval by Council.*

Council Member Tate indicated that Stan Sullivan, president of the Mushroom Mardi Gras, attended the Public Safety and Community Services Committee meeting and made a strong appeal for the 7 p.m. street closure he felt was needed for the Mushroom Mardi Gras event. The Committee understood the need, but wanted to understand what the Taste of Morgan Hill has been doing all these years. Subsequent to the Committee's meeting, it was found that before the Taste of Morgan Hill had a Friday night dance, the streets were closed at 10 p.m. He did not believe that a street closure earlier than 9 p.m. was needed if a street dance was not associated with the event.

Council Member Sellers noted that Mushroom Mardi Gras traditionally does a little more elaborate job in delineating where the booths are to be located along the streets; an issue. He said that it could be possible that delineating with markings where booths are to be located can be done at other times. However, there are safety issues associated with this. He noted that there are other times in the year where set ups do not call for street closures. He indicated that most of the booths are set up late at night or the next morning. He said that it is the committee that gets things ready and delineates the lines on the streets. Vendors show up early in the morning. He clarified that he proposes that set up occur no earlier than 9 p.m.

Council Member Carr recommended that event organizers be asked or be required to state that the downtown businesses/restaurants are open during street closures in the advertising of the events. He

stated that the number of events identified in the staff report is a good number, and that he did not want to add more events to this list. He felt that this was an item to be discussed when this item returns to the Council. He clarified that adoption of rules does not mean the City would be closing the downtown additional weekends throughout the year.

Council Member Sellers said that he concurred with Council Member Carr's assessment on the appropriate number of special events to be held in the downtown. However, he would hate to preclude an event that everyone would like to see take place. Perhaps, an event proponent would need to demonstrate value of the community event.

**Vote:**            *The four motions carried unanimously (5-0).*

City Manager Tewes clarified that with the motion, staff will work with the various organizations to try and develop common rules; noting that the Council has set one of the common rules: No closures before 9 p.m. without a street dance.

**18.    COMMUNITY AND CULTURAL CENTER AND PLAYHOUSE PROPOSED RENTAL RATE INCREASES**

Interim Recreation and Community Services Manager Cooper presented the staff, requesting Council adoption of staff's proposal to raise some rental rates at the Community & Cultural Center and the Community Playhouse. He informed the Council that the basic rates have not been changed since the opening of the facilities. After three years of experience, it gives staff an opportunity to recommend fee increases. Staff has conducted a study to determine how the City compares with other jurisdictions and that staff believes it is time to make changes. He informed the Council that staff is trying to make the fee structure simple; setting basic rates with discounts for citizens of Morgan Hill and non profit organizations in prime time/non prime time rates.

Recreation Manager Lugger requested Council approval of the proposed rental rate increases to be effective January 1, 2006. She identified the 10 items where rates would be changed; indicating that the proposed rates would simplify the process. She informed the Council that the Parks & Recreation Commission reviewed the proposed rates and that they were supportive of the increases.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Council Member Carr indicated that the Public Safety & Community Services Committee reviewed the proposed rental increases earlier this evening and is recommending Council approval.

**Action:**            *On a motion by Council Member Carr and seconded by Council Member Tate, the City Council unanimously (5-0) **Directed** Staff to Implement the Proposed Rental Rate Increases, Effective January 1, 2006, as Outlined in Staff Report.*

**19.    AQUATICS CENTER FALL SEASON ACTIVITY REPORT**

Interim Recreation and Community Services Manager Cooper presented the staff report, indicating that in August 2005, the Council adopted an amended budget for the aquatics center that called for a deficit of \$120,000 at the end of the season. It was found that the aquatics center was not doing well in August and that there was no way of knowing that this was going to be a problem. He informed the Council that staff has new projections as contained in the staff report. At this point, staff believes the deficit will be approximately \$247,000. He stated that this projection may improve or get worse with adverse weather. He introduced aquatics center staff members in attendance: Dick Busse, Theresa Magno, Becky Weaver, and Kim Gowenlock. He indicated that staff has worked hard to keep expenses down and improve revenues.

Mayor Pro Tempore Grzan inquired how it is known that weather was the factor in the lower attendance numbers. He felt it could be possible that citizens patronized the aquatics center and enjoyed it the first year, and that the City may now be seeing a truer annual participation number of residents in the community using the aquatics center.

Mr. Cooper said that he has been told, by a number of individuals, that the attendance numbers were higher last year based on higher temperatures. He said that if low attendance occurs again next year, the numbers may be the actual numbers. He said that it is incumbent upon the City to keep the facility fresh and exciting; while improving services in order to mitigate individuals not wanting to come back.

Mayor Pro Tempore Grzan noted the City made an investment to add a new waterslide in order to enhance revenue. He inquired whether the new waterslide enhanced revenues.

Mr. Cooper stated that the waterslide is an addition to the center and helps revenue. However, he does not know how much it helped revenue compared to the prior year. He said that the new waterslide has been a popular feature; one that is used a great deal.

City Manager Tewes said that Mayor Pro Tempore Grzan's supposition may be a possibility. He stated that attendance generally has correlated with temperatures and that hotter days raise attendance levels. If Mayor Pro Tempore Grzan is correct, he said that it would be helpful if staff is given flexibility to establish pricing and pricing packages that quickly respond to changes as staff is not able to react quick enough to the information gained in a short season (e.g., June through August). He said that staff needs to determine the right number of times citizens of Morgan Hill want to experience and use the aquatics center in the summer.

Council Member Sellers said that in performing an economic analysis, you try to find the variable that changes. He indicated that he spent a lot of time at the aquatics center this August as well as the previous August; noting a discernable difference. He indicated that attendance was the same in June and July, but off in August. He felt it is valid to state that staff needs to continue to gather data.

Mayor Pro Tempore Grzan requested that staff provide the Council with attendance data.

Mayor Kennedy opened the floor to public comment. No comments were offered.

Mayor Pro Tempore Grzan stated that the aquatics center was presented as a facility that would break even. In May of last year, it was found that there would be a deficit and that in June the Council found that the deficit was significantly higher, over \$400,000. In June of this year, the Council received an estimate of the aquatics center deficit of approximately \$120,000 and now it is being readjusted to \$247,000. He stated that the facility was built on the precept that it would be cost effective or that revenue would help offset expenses. The Council is now seeing that cost recovery is not an achievable outcome for this facility. He does not know of any local public recreational center that makes money or breaks even. He felt the aquatics facility is a wonderful facility, but is concerned about the strategies and methods used to promote public facilities on the precept that it would not cost the public money. He expressed concern that the City is building an indoor recreation center on the same precept that it will break even. With the history the City is having with its recreation centers, he does not envision the facility generating enough revenue to offset expenses. He noted the City is currently operating under a deficit budget, and that he sees additional debt coming the City's way with new facilities. He recommended the Council look at the reality that these facilities will probably not break even. The City may face raising its fees so high that it would preclude residents of Morgan Hill from using facilities. He stated the City needs to continue working on economic development and generating enough revenue to offset these costs; underwriting these costs to some degree. He would like to have affordable rates for the community to participate in these programs. He felt the City should have had a good financial infrastructure in place to help sustain these facilities long before building them. He said the City is looking for revenue to help sustain facilities; adding pressure to making decisions on retail stores, etc. He stated that he is looking positively toward the indoor recreation center. However, as recent history suggests, it will probably lose money as well.

Mayor Kennedy agreed the City needs to do all it can to build the City's revenue base in order to support the facilities it builds. He said that it was his recollection that in the financial review prepared by the Sports Management Group, the report stipulated a goal of breaking even after 3 years. The City became overly optimistic based on the initial numbers coming in and assumed that these numbers were going to continue. The reality is that the deficit was higher than what the Sports Management Group indicated. He recommended the City include the items that were part of the original project that would help make the facility become more cost effective such as the installation of solar heating/solar energy. Costs could be built into the facilities that would reduce operating costs. He said the Council looked at short term initial costs by value engineering items out of the project, and that it may have ended up costing the City more, in the long term. He felt it may be appropriate to look at bringing the cost saving features back into the facilities and provide funding to do so as part of the proposed RDA amendment.

Council Member Carr indicated that the Public Safety & Community Services Committee discussed this item earlier this evening. He stated that he did not disagree with the comments expressed by Mayor Pro Tempore Grzan and was pleased that he would be taking a leadership role in speaking with the community about the needs of the City and how to fund these needs. He stated that it is encouraging to see that expenditures have dropped. Although, the City may not find the break even point, he felt there may be room for improvement. He said the City needs to be mindful of the investment it makes on this facility to make sure it is an efficient, first rate facility; one that individuals will continue to use. Although the City is not in a place it wants to be in, he felt the City is hearing better news than the Council received after last year's season.

Council Member Tate confirmed that the Public Safety & Community Services Committee discussed the aquatics center this afternoon. He asked Mr. Cooper whether he believed the aquatics center would ever break even with a response of “no.” He further asked whether once all facilities were built and interactive, would there be a chance to break even at that time. Mr. Cooper presented a realistic, but yet encouraging answer in that he is putting a management team together for the indoor recreation center that will result in having a cooperative and synergistic affect, aquatics-wise, between the indoor pool and the outdoor facility. He agreed the Council should not be overly optimistic as it was with the aquatics center. It is his hope that the City will learn, as it moves forward, so that the facilities have a strong synergy to operate together. Although the City may not be able to make money on all the facilities, the City may be able to hold its head above water. He indicated that the Council never intended to make money on the Community & Culture Center and knew that the City would have to subsidize the facility; noting that this was built into the model. He felt the Community & Cultural Center and Playhouse will play into the whole synergistic affect. He stated that he was cautiously optimistic, but not as optimistic as he was in 1999. He felt the City was heading in the right direction in terms of looking for efficiencies until such time the RDA is amended.

**Action:**        *By consensus, the City Council **Received** the Aquatics Center Report on Fall Season Activities and Current Estimate for Year-End Net Impact to General Fund.*

**20.     CONSIDER PROPOSED TEXT AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL, OF THE MORGAN HILL MUNICIPAL CODE**

Council Services & Records Manager Torrez presented the staff report, informing the Council that in October, it reviewed proposed text amendments to the municipal code as it relates to boards and commissions. Following staff presentation and Council discussion, the Council directed staff to present the proposed text amendments to the affected boards and commission. She reported that staff attended board and commission meetings where the proposed text amendments were presented. The board and commission members offered the following comments/recommendations:

**Architectural and Site Review Board (ARB)**

- Supportive of proposed amendments to Section 2.56.020 that allows flexibility in appointment of members
- Recommend that there be a limit to the distance from Morgan Hill a member can reside (ability to attend meetings on a regular basis)

**Senior Advisory Committee**

- Appreciate the willingness to allow this Committee to report directly to the Council
- Supported the provisions of Chapter 2.70 as outlined in the draft ordinance
- Requested that Section 2.70.040, Powers & Duties, be amended to allow this Commission to discuss and make recommendations as they relate to accessibility and nutrition

- The current Committee appointed by the Parks & Recreation Commission. Does the Council wish to consider re interviewing the current Senior Advisory Committee and appoint or allow this Committee to serve as the Commission. As terms expire, the Council would interview/appoint to fill vacancies. (Staff question, not commission driven.)

### **Library, Culture & Arts Commission**

- Commission was in general support of the amendments to Chapter 2.68
- Recommend that Section 2.68.040D, Powers & Duties, be amended to allow the Commission the ability to provide advise and recommend regarding the adequacy of existing library facilities; including operations
- Commission will be working toward defining “arts” and “culture”
- This Commission will also work toward drafting policies, guidelines and scope of work for this expanded Commission for Council consideration

### **Parks & Recreation Commission (PRC)**

- Commission supports Senior Advisory Committee reporting directly to the Council
- No objection to the expansion of the Library Commission to the “Library, Culture & Arts Commission.” However, a PRC member did not believe the Library, Culture & Arts Commission should have the authority of making final decisions on art in public recreational facilities. The PRC members would like the ability to provide input regarding art in public recreational facilities
- Discussed whether the Senior Advisory Committee and Youth Advisory Committee would need to come before the PRC and/or Council regarding changes to the indoor recreation center. It was a commissioner’s belief that commissions should come through the PRC for items that relate to parks and recreational facilities.

### **Residency Requirements**

- It was a PRC member’s belief that individuals who reside within the City’s urban service area be considered for appointment (beyond the City’s sphere of influence)
- Supported priority appointments being given to Morgan Hill residents
- Concern expressed by PRC member regarding cancellation of meetings due to the lack of a quorum.

- Suggested that Council Members be assigned to a board or commission as a liaison; sitting in on meetings. When there is a lack of a quorum, the Council Member would participate and be a voting member at said meeting(s).
- Suggested that other board and commission members be appointed to serve as alternates to boards and commission; serving when it is known that a lack of a quorum exists

### **Other**

- Terms of Office – In general, majority of board and commissions supported 2-year appointment terms. A majority of the Parks & Recreation Commission supported a 4-year appointment term.
- Would the Council consider appointment of non U.S. resident who resides in Morgan Hill to serve?

Council Services & Records Manager Torrez informed the Council that staff recently received a call from a citizen who resides in Morgan Hill and is interested in serving on the Library, Culture & Arts Commission. This individual has a degree in art and is the winner of the Centennial Art Design. Although the individual is a resident of Morgan Hill, she is not a U.S. citizen. She informed the Council that the City's Municipal Code states that individuals appointed to the various boards and commissions must be a registered voter in the County of Santa Clara.

Interim City Attorney Siegel indicated that he would need to conduct research to determine whether there are restrictions in appointing non U.S. citizens to boards or commissions. Regarding the idea of Council Members serving on commissions as a voting member, he stated that this concept would prevent Council members from voting on an issue should a matter come before the Council for consideration. There are also some incompatible office issues that would not work, procedurally.

Mayor Pro Tempore Grzan inquired as to what would happen in the event a commissioner resigns, or was unable to fulfill a term, and the Council found a qualified applicant to fill the vacancy. Would staff bring the individual before the Council for interview and appointment?

Council Services & Records Manager Torrez informed the Council that the City would have to post a notice of vacancy. Once a qualified candidate(s) steps forward, the individual(s) would be asked to interview before the Council for consideration and appointment.

Mayor Pro Tempore Grzan inquired whether all terms can expire at the same time/month of the year.

Council Services & Records Manager Torrez indicated that the Council was asked whether it would like to coincide all terms to occur at the same time/month. However, some Council members felt that it would result in a long interview process. She noted that the Council has grouped terms of similar boards and commission to give the Council flexibility in appointing individuals to an alternate commission, if not appointed to the board/commission of choice.



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Regarding residency requirements, Mayor Kennedy and Council Member Tate indicated that they would consider the appointment of a non registered voter.

Interim City Attorney Siegel indicated that an interim appointment would take some additional language and definitions regarding timing, etc. He said that historically, you find that when an individual is appointed to fill a short term vacancy, their reappointment is a foregone conclusion. He indicated that this would not add a tremendous burden to staff or the Council to make an interim appointment. He clarified that there is no obligation to fill the vacancy if the vacancy is close to its expiration; unless there is a problem with meeting a quorum and someone is needed immediately to make a quorum.

Mayor Kennedy indicated that he met with the co-chair of the Senior Advisory Committee and that he would like to meet with the other co-chair as well. He stated that there is a question whether the Council needs to make new appointments; noting that the Parks & Recreation Commission has made appointments without interviews. He said that this is a concern to the chairs of this Committee. He stated that he would like to meet with the chair further; bringing this issue back to the Council for further discussion as the Council may wish to take action.

Council Member Tate felt the Council needs to interview individuals to fill positions on the Senior Advisory Commission.

Council Member Sellers noted that some of the Senior Advisory Committee members have terms expiring in August. The question becomes whether the Council wants to interview all individuals in August or conduct interviews earlier. Should the Council decide to move up the interview process, he suggested that this be done on a one time basis (e.g., February).

Interim City Attorney Siegel clarified that before the Council can conduct interviews, the City has to have positions to apply for. The Council will need to use its power to remove committee members in order to be able to recruit, interview and appoint. The Council could state that there are no commissioners to the Senior Advisory Commission as this Commission has not existed. The Council would need to make this finding before conducting interviews. Should the Council decide to wait for terms to expire in August, the incumbents would be included in the pool of individuals to interview.

City Manager Tewes noted that the Council has announced its intention to create a new commission that will report directly to the Council. One option would be to transition the existing Senior Advisory Committee and have this Committee become the Senior Advisory Commission. Another option is to state that the Council will be making seven appointments to the Commission.

Council Member Carr stated that he was not sure that when the Senior Advisory Committee requested that they report directly to the Council that there was any indication that they would not be the Senior Advisory Commission. He noted that the current Senior Advisory Committee members were duly appointed with the process in place. Would this group rethink their request if the Council was to state that the Senior Advisory Commission would report directly to the Council, however, it would not be the current Senior Advisory Committee members? He stated that he did not support having the Senior Advisory Committee report directly to the Council with the idea that they would be unseated and then

become reappointing members. He felt the City would be creating a bigger issue than exists; noting that the Council could interview the Commission members as terms expire.

Council Member Grzan stated his concurrence with the comments as expressed by Council Member Carr.

Mayor Kennedy suggested that he be allowed to meet with staff and the Senior Advisory Committee chairperson. This item would return to the Council at a future meeting as it was his belief that there were some unanswered questions that need to be answered before making a decision (e.g., 1) citizen status issue; 2) residency requirement; and 3) interim appointments by the mayor to fill vacancies until the interview process can occur). He stated his support of the other staff recommended ordinance amendments.

Council Member Tate noted that the majority of the boards and commissions were not supportive of four year terms. However, he noted that a majority of the PRC members support 4-year terms, and that he would support extending this commission's term from two to four years. He would support retaining the two year term for ARB members in order to be able to recruit members to this board.

Council Member Carr noted that the Library, Culture & Arts Commission requested that the operations of the library be within their purview. He stated that he did not object to their review of library operations as it is a good idea. However, the Commission needs to understand that neither the City nor the Council oversees the operations of the library. He would like to hear their thoughts on this so that the Council can help direct the City's Library Joint Powers Authority member to have a unified voice on matters.

Council Member Sellers concurred with Council Member Tate's suggestion about the four year term. He did not support the suggestion of having Council members fill in or sit in on board or commission meetings. He noted that Council Members have busy schedules. He recommended that the application/questionnaire or in the interview process stipulate that if appointed, it is a commitment that requires attendance at board or commission meetings.

Mayor Pro Tempore Grzan inquired whether the Council has any provisions for removing a board or commission for failing to attend meetings.

Interim City Attorney Siegel informed the Council that it can remove a commission member for any reason. Should the Council decide to implement guidelines, the Council may tie its hands.

Council Member Carr indicated that it was his recollection that the Council had a policy or ordinance in place that stipulates that if a commission or board member missed three meetings within a calendar year they would be removed from the board or commission. It was also his recollection that the Council appointed alternates to a commission based on the concern about attendance and the lack of a quorum. The Council gave the alternates the ability to sit as a member to the commission to make a quorum.

City Manager Tewes referred to Section 2.22.050 – Rules of Attendance of the Master Provisions for Boards and Commission as contained in the Morgan Hill Municipal Code. The Code states that "If any

member is absent from three of any six consecutive regular board or commission meetings, unless such absence is with the permission of the chair, or vice chair in the absence of the chair, expressed in the official minutes, the member's seat shall be deemed vacated. The city manager shall so notify the city council and the council shall take action to fill the seat within a reasonable period of time."

Mayor Kennedy and Council Member Tate stated that the non registered voter candidate is an outstanding candidate. Mayor Kennedy further stated that this candidate would be an excellent candidate to appoint to serve on the Library, Culture & Arts Commission.

City Manager Tewes indicated that the appointment of a non registered voter would be an instance where it would be necessary to amend the Municipal Code as the Master Provisions for Boards and Commission states that "...unless otherwise set forth, all members of boards and commission shall be residents of and registered voters in the City..."

Mayor Kennedy noted that there is an exception to the residency requirements for the Library, Culture & Arts Commission.

Mayor Pro Tempore Grzan indicated that as qualified as the applicant may be, he was not willing to modify the code for a single occurrence, unless the Council is willing to amend the code for all boards and commission.

Council Services & Records Manager Torrez informed the Council that the City received a call from an individual interested in serving on the ARB who was not a U.S. citizen in the past. The applicant did not qualify for appointment based on the requirements as stipulated in the Municipal Code. She did not bring this application to the Council for consideration as the City was not reviewing ordinance changes. As the Council is reviewing draft ordinance amendments, this would be the opportune time for the Council to consider residency requirements.

Mayor Kennedy suggested the Council consider latitude language for the appointment of non U.S. citizens, should an exceptional candidate step forward.

Interim City Attorney Siegel indicated that staff would need to research to determine whether the Council can appoint a non U.S. citizen. Should the Council support appointing a non U.S. citizen, the Council would be provided ordinance with language for consideration. When the Council sees the next version of ordinance text amendments, the amendments would include corrections to items not previously caught that are contained in the Municipal Code, items that are repeated that should not be repeated, and items that should be repeated that are not repeated. Therefore, the Council will see a number of corrections in the next version of proposed text amendments. These items have not been brought before the Council because they are of non substantive clean up items. Staff is working toward correcting the substance of the ordinance. Once staff knows the substance of the ordinance, staff can clean up the code; making this section of the municipal code shorter and readable.

**Action:** *By consensus, the Council provided the above comments; requesting that staff return with answers to the following: 1) non citizen appointments; 2) residency requirement; and 3) interim appointments by the mayor to fill vacancies until the interview process can occur*

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*prior to returning with an Ordinance, Incorporating proposed Amendments to the Municipal Code as they relate to Council Appointed Boards and Commissions.*

**21. REVIEW OF CITY COUNCIL COMMITTEES AND APPOINTMENTS TO OUTSIDE AGENCIES**

Mayor Kennedy informed the Council that the reason this item is before the Council instead of after the Council's annual retreat is because the Valley Transportation Authority (VTA) needs to have an indication from the Council as to who will be the City's VTA Board representative. He recommended that rather than acting on all of the appointments this evening, that appointments be delayed until after the Council's goal setting retreat. However, he recommended that the Council address the VTA appointment this evening.

Council Services & Records Manager Torrez informed the Council that on the Dais, the Council has been provided a supplemental handout that lists Council Member Sellers as serving as the primary member to the South County Roadway Policy Advisory Board. She indicated that the Council is being asked to make an appointment to the VTA Board as it is the City of Morgan Hill's rotation to serve on the Board. She informed the Council that the VTA Board will be administering the Oath of Office in early January. Therefore, the VTA Board appointment cannot wait after the Council's goal setting session.

Mayor Pro Tempore Grzan stated his concurrence with Mayor Kennedy's recommendation.

Council Member Carr expressed concern with the recommendation. He stated that he has a strong interest in trying to align Council assignments; including outside appointments. He recommended that the Council strengthen and focus on this, rather than randomly selecting assignments that may be of interest, individually. He noted that the Council put into place a standing Council committee process this past year that will be reviewed at the January retreat. He felt that this was the foundation to which the Council should be considering in the rest of its appointments. While he understands the timeline for the VTA Board appointment, he recommended that appointment be considered for an interim time period until such time that the Council figures out what it will do with the Committee assignments. He noted that the VTA Board appointment will be a two-year term and would be a longer implication than just looking at next year's rotation of assignments. He recommended that the Council take a look at how it will run municipal government in Morgan Hill. He noted that the Council started a committee process for one year, and felt that the Council needs to spend more time on this as all appointments are important when it comes to these committees.

Council Member Sellers supported an interim VTA Board appointment as he has issues that need to be addressed and would like to have the opportunity to address these at the Council's workshop. He recommended that VTA be notified that this would be an interim appointment for this month as the Council will be making a permanent appointment following the Council's retreat.

**Action:** *Council Member Carr made a motion, seconded by Council Member Sellers, to make an interim appointment to the VTA Board until such time the Council has its discussion and makes the committee assignments. The motion carried unanimously (5-0).*

Mayor Kennedy requested that each Council member provide its preferred assignments; returning at a subsequent meeting for discussion.

Council Member Tate agreed with Council Member Carr that appointments need to be tied to the discussion the Council will have on the Council committees and how they will work following the Council workshop. Assignments can be made at the workshop, following discussion, or at a subsequent Council meeting.

Mayor Kennedy indicated that he would appoint himself as an interim appointee to the VTA Board of Directors, subject to Council ratification.

Council Member Carr indicated that one of the discussion points the Council will have with this position, as well as others, is the way the Council reports back on all of the committees. He noted that the VTA has been in the press quite a bit and that they will be making significant decisions over the next year that will affect all residents, transportation users, and taxpayers. He would like to make sure the Council is a part of the decision making process in the correct way. He would like to have a discussion on whether Council appointees are making decisions on their own or whether decisions are a representation of the Council's direction, especially with the significance on what will be coming before the VTA Board next year. He would like to make sure the Council is unified in the positions be taken in having this Board seat. With this understanding, he would support having Mayor Kennedy serve on the VTA Board, on an interim basis. He would like to have a commitment that the Council will receive communications on the items that are upcoming and the decisions being made. He felt the Council needs to discuss how council members are to report back to the entire council at the retreat.

Mayor Kennedy indicated that there has been a lot of controversy and discussion regarding the VTA and the various positions. He said that the Regional Planning Transportation Committee met to discuss the City's position on BART, VTA, South County issues, etc., and developed a position. It was his belief that the Committee's position was brought back to the Council. He informed the Council that the City of San Jose submitted to VTA staff a plan that was delivered to the VTA Board Members two days before the Board meeting. He was told the night before the meeting that the City's voting representative, City of Milpitas Council Member Livengood, would not be in attendance at the meeting and was asked if he could attend the meeting. A question came up at the VTA Board as to whether it made sense to take action on a multi billion dollar expenditure that was just seen two days before the meeting. He stated that Santa Clara County Board of Supervisor Don Gage moved to delay action in order to review the proposal. He indicated that he supported the motion as there were six members who were going to vote to delay the decision. He said that the initial motion, as stated by Mayor Gonzales, would have failed on a 6-6 vote. However, the motion did not go to vote. Supervisor Gage's motion to delay the vote passed. He informed the Council that information and decisions move quickly.

**Motion:**        *On a motion by Council Member Carr and seconded by Mayor Pro Tempore Grzan, the City Council unanimously (5-0) **Appointed** Mayor Kennedy to the VTA Board on interim basis.*

**RECONVENE TO CLOSED SESSION**

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Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 9:43 p.m.

**RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 9:57 p.m.

**CLOSED SESSION ANNOUNCEMENT**

Interim City Attorney/Agency Counsel Siegel announced that there was reportable action for an item listed on the agenda as anticipated litigation. The Interim City Attorney reported that the City Council authorized him to attempt to reinstate the loan for the BMR unit located at 397 Calle Atavio. The City Council further authorized the City Attorney, City Manager and Building Assistance and Housing Services staff to thereafter attempt to purchase the BMR unit so that the unit at 397 Calle Atavio would remain in the City's BMR Program.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS**

No items were identified.

**ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 9:59 p.m.

**MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**

**CITY OF MORGAN HILL  
JOINT SPECIAL AND REGULAR CITY COUNCIL  
AND SPECIAL REDEVELOPMENT AGENCY MEETING  
MINUTES – DECEMBER 21, 2005**

**CALL TO ORDER**

Mayor/Chairman Kennedy called the special meeting to order at 6:01 p.m.

**ROLL CALL ATTENDANCE**

Present: Council/Agency Members Carr, Grzan, Tate and Mayor/Chairman Kennedy  
Late: Council/Agency Member Sellers

**DECLARATION OF POSTING OF AGENDA**

City Clerk/Agency Secretary Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

***City Council and Redevelopment Agency Action***

**CLOSED SESSIONS:**

Interim City Attorney/Agency Counsel Siegel announced the below listed closed session items:

**1.**

**CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION**

Authority:	Government Code Sections 54956.9(b) & (c)
Number of Potential Cases:	2

**2.**

**PUBLIC EMPLOYEE APPOINTMENT**

Authority:	Government Code 54957
Consideration of Appointment:	City Attorney
Attendees:	City Manager, Interim City Attorney, Bob Murray

**OPPORTUNITY FOR PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the Closed Session items to public comment. No comments were offered.

**ADJOURN TO CLOSED SESSION**

Mayor/Chairman Kennedy adjourned the meeting to Closed Session at 6:04 p.m.

**RECONVENE**

Mayor/Chairman Kennedy reconvened the meeting at 7:00 p.m.

## **CLOSED SESSION ANNOUNCEMENT**

Interim City Attorney/Agency Counsel Siegel announced that no reportable action was taken on the Anticipated Litigation closed session items. Under Public Employee Appointment, he announced that no reportable action was taken in closed session -- continue negotiations for search of new City Attorney.

## **SILENT INVOCATION**

## **PLEDGE OF ALLEGIANCE**

## **PUBLIC COMMENT**

Mayor/Chairman Kennedy opened the floor to public comments for items not appearing on this evening's agenda. No comments were offered.

## ***City Council Action***

### **CONSENT CALENDAR:**

**Action:**        *On a motion by Council Member Carr and seconded by Council Member Sellers, the City Council unanimously (5-0) **Approved** Consent Calendar Item 1 as follows:*

1.        **ADOPT ORDINANCE NO. 1749, NEW SERIES**

**Action:** **Waived** the Reading, and **Adopted** Ordinance No. 1749, New Series, and **Declared** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING AN AMENDMENT TO ORDINANCE NO. 1699 NEW SERIES, AMENDING THE DEVELOPMENT AGREEMENT FOR APPLICATION DA-04-03: DEWITT-LATALA. (APN 773-08-012)**

## ***City Council and Redevelopment Agency Action***

### **CONSENT CALENDAR:**

**Action:**        *On a motion by Council/Agency Member Carr and seconded by Council/Agency Member Sellers, the City Council/Agency Board unanimously (5-0) **Approved** Consent Calendar Item 2 as follows:*

2.        **ANNUAL FINANCIAL REPORTS FOR FISCAL YEAR 2004-2005**

**Action:** 1) **Accepted** and **Filed** the Comprehensive Annual Financial Report for the Fiscal Year 2004-2005; and 2) **Accepted** and **Filed** the Financial Statements for the Redevelopment Agency for Fiscal Year 2004-2005.



## ***City Council Action (Continued)***

### **CONSENT CALENDAR:**

City Manager Tewes indicated that Consent Item 3 is a matter in which Council Member Sellers did not participate upon introduction. Therefore, Council Member Sellers may wish to have a separate vote taken on Consent Item 3.

**Action:**        *On a motion by Council Member Tate and seconded by Council Member Carr, the City Council, on a 4-0-1 vote with Council Member Sellers abstaining, **Approved** Consent Calendar Item 3 as follows:*

#### **3.     ADOPT ORDINANCE NO. 1750, NEW SERIES**

**Action:** ***Waived** the Reading, and **Adopted** Ordinance No. 1750, New Series, and **Declared** That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by Title and Further Reading Waived; Title as Follows: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL AMENDING THE ZONING DESIGNATION FROM O-S, OPEN SPACE TO P-F, PUBLIC FACILITIES ON 2.37 ACRES LOCATED AT 17860 MONTEREY ROAD. (APN 726-24-020) [ZA-05-12: Monterey-City of Morgan Hill/Morgan Hill House].***

### **FUTURE COUNCIL-INITIATED AGENDA ITEMS**

No items were identified.

### **ADJOURNMENT**

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 7:04 p.m.

### **MINUTES RECORDED AND PREPARED BY:**

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**IRMA TORREZ, CITY CLERK/AGENCY SECRETARY**



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE:** *January 11, 2006*

**Agenda Item # 13**

**Prepared By:**

\_\_\_\_\_  
**Asst. to the City  
Manager**

**Submitted By:**

\_\_\_\_\_  
**City Manager**

### **RESOLUTION AUTHORIZING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE WEEDS**

#### **RECOMMENDED ACTIONS:**

1. **Open/Close** Public Hearing.
2. **Adopt Resolution "A"** authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds, excluding Assessor Parcel Numbers (APN) 726-24-020, 764-32-017, and 764-48-020.
3. **Adopt Resolution "B"** authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds for APN 726-24-020
4. **Adopt Resolution "C"** authorizing the Santa Clara County Department of Agriculture and Resource Management to Abate Weeds for APN 764-32-017 and 764-48-020

**EXECUTIVE SUMMARY:** On December 14, 2005, the Council adopted Resolution 5966 declaring hazardous vegetation growing in the City of Morgan Hill to be public nuisance. The Resolution further established January 11, 2006 as the date for a public hearing on properties proposed for inclusion in the 2006 Hazardous Vegetation Management Program. Hazardous Vegetation Management Program Notices have been mailed to property owners in Morgan Hill whose properties have been identified as having, or potentially having, a problem with hazardous vegetation. In addition, notice of this public hearing has been published in the newspaper per Government Code Section 39556.

The purpose of this hearing is to allow property owners to object to having their property in the 2006 Hazardous Vegetation Management Program (copy attached). The list of properties in the Program has been posted at City Hall for ten days prior to this public hearing as required.

The City controls the growth of hazardous vegetation under the authority set out in Chapter 8.20 of the Morgan Hill Municipal Code and in Government Code Sections 39560 and following. The City has a contract with the Santa Clara County Department of Agriculture and Resource Management which provides for County abatement of the property if the property owner does not maintain the property as required. If the work is completed by the Department of Agriculture and Resource Management contractor, costs for the work are added to the owner's property tax assessment. Properties on the Hazardous Vegetation Program have been inspected by Department of Agriculture and Resource Management staff and have been found to have unsafe vegetation during the growing season. Once a property is added to the Program, it remains on the program for three years.

Staff has provided the City Council with three resolutions for consideration. One resolution excludes APNs where Council member(s) may have conflicts of interest and two other resolutions that separate out the APNs where Council member conflicts have been identified.

**FISCAL IMPACT:** The Hazardous Vegetation Management Program is user fee supported. The per-lot assessment includes the actual costs for controlling vegetation plus the overhead cost to provide the service.

**RESOLUTION NO. "A"**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL INSTRUCTING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE NUISANCES ARISING OUT OF HAZARDOUS VEGETATION GROWING UPON LOTS OR IN FRONT OF PROPERTY IN THE CITY OF MORGAN HILL AS REQUIRED BY ORDINANCE NO. 222, NEW SERIES, EXCLUDING ASSESSORS PARCEL NUMBERS 726-24-020, 764-32-017, AND 764-48-020.**

**WHEREAS**, pursuant to Ordinance No. 222, N.S., the City Council hereto adopted Resolution No. 5966 declaring hazardous vegetation growing in the City of Morgan Hill to constitute a public nuisance; and

**WHEREAS**, a Public Hearing was held pursuant to Resolution No. 5875 and said Ordinance No. 222, N.S. in that time and manner required by law.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Santa Clara County Department of Agriculture and Resource Management be, and is hereby ordered, to abate the nuisance or cause the same to be abated by having the vegetation destroyed by cutting, discing or any other method as may be determined by the Department.
2. That any property owner shall have the right to destroy or remove at his expense prior to removal of said vegetation by the Department of Agriculture and Resource Management.
3. That the Department of Agriculture and Resource Management shall keep an account of the cost of removing said vegetation and document such account in a report and assessment list, and file the same with the City Clerk. Such report shall refer to each separate lot or parcel of land, together with the expense of removal of hazardous vegetation therefrom.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Special Meeting held on the 11<sup>th</sup> Day of January, 2006 by the following vote.

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>

**🏛 CERTIFICATION 🏛**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,**  
do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City  
Council at a Special Meeting held on January 11, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
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Situs	APN				CITY/STATE		
	LAUREL	RD 726-01-008	DEROSE DEVELOPMENT LLC	6401 CHELTON DR	OAKLAND	CA	94611
	DIANA	AV 726-02-007	TSAI YOUNG H AND SO M ET AL	5405 ALTON PY STE-5A#209	IRVINE	CA	92619
		726-02-012	WU TZWU-CHWAN AND MEI-TSU K	1599 POPPY WY	CUPERTINO	CA	95014
	DIANA	AV 726-04-006	EAH, Inc.	2169 E. Francisco Blvd., Suite B	San Rafael	CA	94901
	DIANA	AV 726-04-011	PEPPER LANE N E SQ LOOP LLC	2169 E FRANCISCO BL STE B	SAN RAFAEL	CA	94901
		726-07-023	LA MERE ROBERT F AND SALLY S	535 ARASTRADERO RD	PALO ALTO	CA	94306-4338
970	DIANA	AV 726-07-079	HOLMAN JANE M AND WILBUR J	603 W WASHINGTON	COLBY	WI	54421
	DIANA	AV 726-09-002	CUNEO AMASILIA TRUSTEE	2841 NORCREST DR	SAN JOSE	CA	95148-2226
761	DAKOTA	DR 726-09-024	DUNNE MICHAEL F AND JONNA M	2068 LINCOLN AV	SAN JOSE	CA	95125-3539
	DIANA	AV 726-12-004	GAITAN ANTONIO G AND HORTENSE	375 DIANA AV	MORGAN HILL	CA	95037-4403
80	E 4TH	ST 726-13-030	BARGER MICHAEL D AND MARY S	70 E 4TH ST	MORGAN HILL	CA	95037-3600
	E 4TH	ST 726-13-034	LEE KE LING	10125 SCENIC BL	CUPERTINO	CA	95014-2724
55	E 4TH	ST 726-13-042	GLENROCK BUILDERS INC	PO BOX 910	MORGAN HILL	CA	95038-0910
17520	MONTEREY	RD 726-14-049	HENCKEN ENTERPRISES SOUTH LLC	10321 Humbolt Street	Los Alamitos	Ca	90720
		726-22-051	PROSPERITY INVESTMENTS	21791 HEBER WY	SARATOGA	CA	95070-0000
	MONTEREY	RD 726-23-013	CAPOGEANNIS WILLIAM AND	5737 ALGONQUIN WY	SAN JOSE	CA	95138-2205
	E MAIN	AV 726-23-016	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747
	E CENTRAL	AV 726-24-001	PRITPAL SINGH	17735 McLAUGHLIN AVE	MORGAN HILL	CA	95037
	MONTEREY	RD 726-24-019	ZAMORA FRANK I AND DIANA	17810 MONTEREY RD	MORGAN HILL	CA	95037-3651
<del>17860</del>	<del>MONTEREY</del>	<del>RD 726-24-020</del>	<del>MORGAN HILL HISTORICAL SOCIETY</del>	<del>P.O. BOX 1258</del>	<del>MORGAN HILL</del>	<del>CA</del>	<del>95038-1258</del>
		726-24-026	South County Community Builders	9015 Murray Avenue, Ste. 100	Gilroy	Ca	95020
		726-24-027	South County Community Builders	9015 Murray Avenue, Ste. 100	Gilroy	Ca	95020
		726-24-029	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA	95020
		726-24-030	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA	95020

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Situs		APN	CITY/STATE				
17610	MONTEREY	RD	726-24-031	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-032	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-033	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-034	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-035	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-036	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-037	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-038	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-039	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-040	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-041	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-042	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-24-044	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA 95020
			726-25-007	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
			726-25-008	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
			726-25-009	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
			726-25-010	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
			726-25-076	MADRONE INVESTMENTS LLC	16060 CAPUTO DR UNIT 160	MORGAN HILL	CA 95037
			726-25-077	MADRONE INVESTMENTS LLC	16060 CAPUTO DR STE 160	MORGAN HILL	CA 95037
			726-25-078	MORGAN HILL DEVELOPMENT	600 MILLER AV	MILL VALLEY	CA 94941
			726-25-079	MORGAN HILL DEVELOPMENT	600 MILLER AV	MILL VALLEY	CA 94941
JARVIS	DR	726-30-013	HOSPIRA INC	275 N FIELD DR	LAKE FOREST	IL	60045
		726-31-025	DELUCCHI ASSOCIATES	3798 WOODSIDE RD UNIT Q	WOODSIDE	CA	94062
		726-31-038	KALMAN ALAN D AND FREIA G	6337 PANCHO CT	SAN JOSE	CA	95123-4865

**2006 WEED ABATEMENT PROGRAM  
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Situs		APN		CITY/STATE			
675	JARVIS	DR 726-32-025	MORGAN HILL DEVELOPMENT	600 MILLER AV	MILL VALLEY	CA	94941
895	COCHRANE	RD 726-33-024	IN-N-OUT BURGERS	13502 HAMBURGER LN	BALDWIN PARK	CA	91706
18650	ADAMS	CT 726-34-001	BEITPOLOUS YOUAV AND MARIAM	1035 MT. SHADOW RD	SAN JOSE	CA	95120
100	COCHRANE	CL 726-34-007	SOUTH ABBOTT LLC	400 COCHRANE CL	MORGAN HILL	CA	95027-0000
320	COCHRANE	CL 726-34-013	THOITS BROS INC	PO BOX 21	PALO ALTO	CA	94302
440	COCHRANE	CL 726-34-016	THOITS BROS INC	629 EMERSON ST	PALO ALTO	CA	94301
	ROSE	AV 726-36-007	MAGINCALDA LEROY J ET AL	4475 E WOODWARD RD	MANTECA	CA	95337
	GINGER	WY 726-36-057	WALTON GARY A AND JEAN M	PO BOX 1265	MORGAN HILL	CA	95038-1265
1165	TAYLOR	AV 726-36-064	MURRAY JAMES AND SHERRY	720 SAN MARCOS CT	MORGAN HILL	CA	95037-5224
		726-36-065	GRIMM CONSTRUCTION CO, INC.	770 PARADISE RD	SALINAS	CA	93907
		726-36-066	GRIMM CONSTRUCTION CO, INC.	770 PARADISE RD	SALINAS	CA	93907
		726-36-067	MURRAY SCOTT	720 SAN MARCOS CT	MORGAN HILL	CA	95037-5224
115	PEEBLES	AV 726-41-013	MARQUEZ ANTHONY J	428 MINOR AV	SAN JOSE	CA	95126-3640
19240	MONTEREY	RD 726-41-018	PANWALA SAN K ET AL	19240 MONTEREY RD	MORGAN HILL	CA	95037-2704
19220	TAYLOR	AV 726-41-046	GUTHRIE RONALD ET AL	19071 CLAYTON DR	MORGAN HILL	CA	95037
19230	TAYLOR	AV 726-41-047	DEPRICE PROPERTIES LLC	P.O. BOX 1767	MORGAN HILL	CA	95038
19260	TAYLOR	AV 726-41-057	DEPRICE PROPERTIES LLC	P.O. BOX 1767	MORGAN HILL	CA	95038
19250	TAYLOR	AV 726-41-058	GUTHRIE RONALD ET AL	19071 CLAYTON DR	MORGAN HILL	CA	95037
19240	TAYLOR	AV 726-41-059	C&M PROPERTIES LLC	PO BOX 1767	MORGAN HILL	CA	95038
19210	TAYLOR	AV 726-41-060	GUTHRIE RONALD ET AL	19071 CLAYTON DR	MORGAN HILL	CA	95037
19255	CLAYTON	AV 726-41-061	DENNIS & GLORIA OBRIEN	2001 WINWARD WY STE 200	SAN MATEO	CA	94404
19235	CLAYTON	AV 726-41-062	DENNIS & GLORIA OBRIEN	2001 WINWARD WY STE 200	SAN MATEO	CA	94404
19215	CLAYTON	AV 726-41-063	DENNIS & GLORIA OBRIEN	2001 WINWARD WY STE 200	SAN MATEO	CA	94404
	DUNNE	AV 726-43-006	KAWASHIMA SEIGE AND ALYCE F	1440 CHURCH AV	GILROY	CA	95020-9116

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Situation		APN	CITY/STATE			
2275 B E	DUNNE	AV 728-02-003	MR. & MRS.RANDY LEWIS SCHNAPP	P.O. BOX 32957	SAN JOSE	CA 95132
		728-11-026	GREWAL PRITAM S AND MANJEET K	1150 E WILLIAM ST	SAN JOSE	CA 95116
17237	SANDALWOOD	WY 728-11-027	John Marquez Jr. & Karla Marquez	90 Bisceglia Avenue	Morgan Hill	Ca 95037
17175	PINE	WY 728-14-039	TAIT DIANE C	2216 SOUTHPORT LN	MODESTO	CA 95356
		728-17-018	Harsad G. Patel, Hasu H. Patel, Anil C.	290 Oak Grove Court	Morgan Hill	CA 95037
	DIANA	AV 728-19-003	UNITED FRIENDSHIP ASSOCIATION II	PO BOX 387	CUPERTINO	CA 95015-0387
	DIANA	AV 728-20-038	UNITED FRIENDSHIP ASSOCIATION II	PO BOX 387	CUPERTINO	CA 95015-0387
145	COCHRANE	RD 728-31-010	LLAGAS LLC	440 N 1ST ST STE 200	SAN JOSE	CA 95112
	COCHRANE	RD 728-34-004	HOMER CAROLYN R TRUSTEE & ET	RTE #2 BOX 2681	ALTON	MO 65606
1805	SILVERWINGS	CT 728-45-021	OGRADY DARYL AND JEANNE	1805 SILVERWINGS CT	MORGAN HILL	CA 95037-9002
		728-45-024	IVIE DONALD AND SHARON	2040 DIANA AV	MORGAN HILL	CA 95037-9641
19025	MALAGUERRA	AV 728-45-043	ALBERTI PHILIP A TRUSTEE	215 MOTT AV	SANTA CRUZ	CA 95062
17055	OAK LEAF	DR 729-05-017	SACHARA EUGENE F	1160 3RD ST	GILROY	CA 95020-5304
16595	OAK VIEW	CL 729-11-003	MENDIZABAL ALBERT AND BETTE C	13578 MARMONT WY	SAN JOSE	CA 95127-3734
16460	CIRCLE	LN 729-11-010	YI KEITH S AND JEONG S	16460 CIRCLE LN	MORGAN HILL	CA 95037-6911
3320	OAKWOOD	CT 729-15-019	WAGSTER JAMES A AND CYNTHIA D	15730 FOOTHILL AV	MORGAN HILL	CA 95037-9512
3795	OAK CANYON	LN 729-17-021	BEACH CECIL G JR AND CAROL	3795 OAK CANYON LN	MORGAN HILL	CA 95037-6814
16335	JACKSON	DR 729-18-015	MARIN THERESA J TRUSTEE	1005 SUMMERVIEW DR	SAN JOSE	CA 95132-2951
16325	JACKSON	DR 729-18-016	ADORNO FRANK III AND STEPHANIE	4898 WELLINGTON DR	SAN JOSE	CA 95136
3490	OAK HILL	CT 729-20-003	JACKSON OAKS ASSN	PO BOX 518	MORGAN HILL	CA 95038-0518
15970	JACKSON	DR 729-21-012	CHHIAP VISOTH AND LEWIS	15970 JACKSON OAKS DR	MORGAN HILL	CA 95037-6824
15950	JACKSON	DR 729-24-038	David M. Warda	318 CASA LOMA RD UNIT A	Morgan Hill	CA 95037
17290	LAKE VIEW	DR 729-34-010	STAHARA JACQUELINE M AND	10432 NOEL AV	CUPERTINO	CA 95014-1249
3425	LAVA ROCK	CT 729-35-027	CHIPMAN DAVID H AND JANE C	3425 LAVA ROCK CT	MORGAN HILL	Ca 95037-6411



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Situs		APN		CITY/STATE			
17421	BLUE JAY	CT 729-38-015	STURKEN IAN ET AL	17421 BLUE JAY CT	MORGAN HILL	CA	95037-6404
17451	HOLIDAY	DR 729-38-028	SMITH WARREN J AND DIANA L	17451 HOLIDAY DR	MORGAN HILL	CA	95037-6512
17575	HOLIDAY	DR 729-40-013	RAMON KANDACE AND JAMES	17575 HOLIDAY DR	MORGAN HILL	CA	95037-6319
17460	LAKE VIEW	DR 729-41-019	BACH JOSEPH AND LANAE	17460 LAKE VIEW DR	MORGAN HILL	CA	95037-0000
2180	ROLLING	DR 764-03-004	HEISER CHRISTOPHER J AND	2180 ROLLING HILLS DR	MORGAN HILL	CA	95037-9438
	BLACK OAK	CT 764-03-017	TULLY LOUIS J AND SUSAN S	7151 VIA ROMERA	SAN JOSE	CA	95139-1158
2105	ROCKY RIDGE	RD 764-03-024	MAYELIAN HARRY AND MABEL	27519 ALTA KNOLL DR	SANTA CLARITA	CA	91350-1900
18025	WOODLAND	AV 764-03-030	HUYNH MINH AND BICHCAU	14934 JEANETTE LN	SAN JOSE	CA	95127-2533
17965	WOODLAND	AV 764-03-033	TSENG JOHNNY F AND CATHERINE T	17965 WOODLAND AV	MORGAN HILL	CA	95037-9142
17915	WOODLAND	AV 764-03-034	HUTTON MARK L AND SCHMIDT	17915 WOODLAND AV	MORGAN HILL	CA	95037-9142
	MONTEREY	RD 764-09-013	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747
		764-09-032	GLENROCK BUILDERS INC	P.O. BOX 910	MORGAN HILL	CA	95038
		764-10-003	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747
18105	MONTEREY	RD 764-11-003	VIOLA SAVERIO L TRUSTEE & ET AL	17760 MONTEREY RD STE C	MORGAN HILL	CA	95037
17965	MONTEREY	RD 764-12-006	SCOFFONE DAVID J	P O BOX 1071	SAN JOSE	CA	95108
17935	MONTEREY	RD 764-12-008	SOUTH COUNTY HOUSING	9015 MURRAY AV STE 100	GILROY	CA	95020
17915	MONTEREY	RD 764-12-009	SOUTH COUNTY HOUSING	9015 MURRAY AV STE 100	GILROY	CA	95020
95	WRIGHT	AV 764-12-018	SOUTH COUNTY HOUSING	9015 MURRAY AV STE 100	GILROY	Ca	95020
	DEL MONTE	AV 764-12-019	SOUTH COUNTY HOUSING	9015 MURRAY AV STE 100	GILROY	Ca	95020
18025	MONTEREY	RD 764-12-025	GIOVANNI DEVELOPMENT CO LLC	5694 MISSION CNTR RD UNIT	SAN DIEGO	CA	92108
18025	MONTEREY	RD 764-12-025	GIOVANNI DEVELOPMENT CO LLC	5694 MISSION CNTR RD UNIT	SAN DIEGO	CA	92108
18570	HALE	AV 764-23-013	LEMONS GILBERT AND HELEN	18570 HALE AV	MORGAN HILL	CA	95037-3008
295	BERKSHIRE	DR 764-23-057	SINGH T K AND PARMINDER	305 HAZELTON CT	MORGAN HILL	CA	95037-3522
325	BERKSHIRE	DR 764-23-058	SINGH T K AND PARMINDER	305 HAZELTON CT	MORGAN HILL	CA	95037-3522

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Situs		APN			CITY/STATE		
320	BERKSHIRE	DR	764-23-059	SINGH T K AND PARMINDER	305 HAZELTON CT	MORGAN HILL	CA 95037-3522
310	BERKSHIRE	DR	764-23-060	SINGH T K AND PARMINDER	305 HAZELTON CT	MORGAN HILL	CA 95037-3522
18755	MONTEREY	RD	764-24-009	Khanh T. Vo or Kelly Voc/o Palomino Real	1949 Concourse Dr.	San Jose	CA 95131
120	CAMPOLI	DR	764-24-010	E & H THIRD FAM LP	21009 SEVEN SPRINGS PY	CUPERTINO	CA 95014-0000
18680	HALE	AV	764-24-013	ROBINSON GLORIA M AND CLAUDE J	PO BOX 30155	LAS VEGAS	NV 89173
18645	OLD	RD	764-24-014	LE NGUYEN TRUNG ET AL	18645 OLD MONTEREY RD	MORGAN HILL	CA 95037-3016
115	SANCHEZ	DR	764-24-024	CORONA MANUEL R AND SOCCARRO	695 W DUNNE AV	MORGAN HILL	CA 95037-4856
			764-24-038	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
	CAMPOLI	DR	764-24-039	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
			764-24-040	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
	CAMPOLI	DR	764-24-041	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
			764-24-042	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
	CAMPOLI	DR	764-24-043	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
18580	MURPHY	CT	764-27-027	BERGIN RUSSELL AND NOREEN	18580 MURPHY SPRINGS CT	MORGAN HILL	CA 95037-3063
	(LAND ONLY)		764-28-007	DAVIDSON CHARLES W AND ANITA	255 W JULIAN ST STE 200	SAN JOSE	CA 95110-2406
	<del>HALE</del>	<del>AV</del>	<del>764-32-017</del>	<del>HUNT JONATHAN O ET AL</del>	<del>PO BOX 8101</del>	<del>PORTOLA VALLEY</del>	<del>CA 94028</del>
610 A	LLAGAS	RD	764-32-022	DUFFY ARTHUR SR AND LUPE	610 A LLAGAS RD	MORGAN HILL	CA 95037-3400
18100	CHRISTEPH	DR	764-32-024	LAWSON JEFFREY S AND LUCINDA	18100 CHRISTEPH DR	MORGAN HILL	CA 95037-3430
18200	CHRISTEPH	DR	764-32-025	TANSY MICHAEL K	1121 TRABING RD	WATSONVILLE	CA 95076
17995	RIL	CT	764-32-052	KYLES RUTH M ET AL	PO BOX 864	MORGAN HILL	Ca 95038-0864
	TRUMPP	CT	764-35-055	TRUMPP WALTER C ET AL	1540 INDUSTRIAL AV	SAN JOSE	CA 95112-2714
18605	CASTLE HILL	DR	764-43-001	MAILLOUX CHANTAL AND	18605 CASTLE HILL DR	MORGAN HILL	CA 95037-9171
18665	CASTLE HILL	DR	764-43-002	IZQUIERDO PASCUAL	18665 CASTLE HILL DR	MORGAN HILL	CA 95037-9171
18725	CASTLE HILL	DR	764-43-003	ADOR DIONISIO AMOR T	18725 CASTLE HILL DR	MORGAN HILL	CA 95037-9171

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Situs	APN	CITY/STATE
18750 GLEN AYRE DR 764-43-004 GREENWOOD MICHAEL S AND LYNN	18750 GLEN AYRE DR	MORGAN HILL CA 95037-9453
18815 GLEN AYRE DR 764-43-006 ROBSON WILLIAM W AND LORI M	18815 GLEN AYRE DR	MORGAN HILL CA 95037-9168
18555 CASTLE HILL DR 764-44-009 KNUDSON LYLE E AND DONNA C	18555 CASTLE HILL DR	MORGAN HILL CA 95037-9171
18450 CASTLE HILL DR 764-45-006 LIRA RAYMOND AND CUCA P	18450 CASTLE HILL DR	MORGAN HILL CA 95037-9449
18470 CASTLE HILL DR 764-45-007 GLENROCK BUILDERS INC	PO BOX 910	MORGAN HILL CA 95038-0910
18490 CASTLE HILL DR 764-45-008 RILEY ROBERT AND BERNICE A	18490 CASTLE HILL DR	MORGAN HILL CA 95037-9179
18650 CASTLE HILL DR 764-45-019 LASHER RICHARD S AND MARY E	18650 CASTLE HILL DR	MORGAN HILL CA 95037-9170
18610 CASTLE HILL DR 764-45-020 WUEST WALTER A AND HELGA	18610 CASTLE HILL DR	MORGAN HILL CA 95037-9170
18580 CASTLE HILL DR 764-45-021 GLENROCK BUILDERS INC	PO BOX 910	MORGAN HILL CA 95038-0910
18530 CASTLE HILL DR 764-45-023 CHADBAND J C TRUSTEE & ET AL	18530 CASTLE HILL DR	MORGAN HILL CA 95037-9169
<del>341 WRIGHT AV 764-48-020 ROBERTS GREGORY J ET AL</del>	<del>341 WRIGHT AV</del>	<del>MORGAN HILL CA 95037-4321</del>
635 ADAIR CT 764-49-023 POLENSKY DONALD AND	635 ADAIR CT	MORGAN HILL CA 95037-0000
662 LLAGAS VISTA DR 764-50-007 SAVOFF MARK T AND TORRI L	662 LLAGAS VISTA DR	MORGAN HILL CA 95037-3406
18005 STONEY WY 764-56-001 DELA PENA PATRICIA C AND JESSE	18005 STONEY CREEK WY	MORGAN HILL CA 95037-0000
18015 STONEY WY 764-56-002 MAPS MARY S AND HULICK	18015 STONEY CREEK WY	MORGAN HILL CA 95037-0000
18025 STONEY WY 764-56-003 SPRING RENE ET AL	18025 STONEY CREEK WY	MORGAN HILL CA 95037-0000
18035 STONEY WY 764-56-004 GRAOUI HOUDA AND BELCADI	18035 STONEY CREEK WY	MORGAN HILL CA 95037-0000
17960 RIL CT 764-56-005 Manuel and Rose M. Martinez Trust	17960 RIL MARIANNA CT	MORGAN HILL CA 95037-0000
17950 RIL CT 764-56-006 ROYSTON TAMI S	17950 RIL MARIANNA CT	MORGAN HILL CA 95037-0000
	764-56-014 LLAGAS HALE INVRS LLC	275 SARATOGA AV SANTA CLARA CA 95050
	764-56-015 MIRASOL OF MORGAN HILL HOA	1777 N CALIFORNIA BL SUITE WALNUT CREEK CA 94596-4180
W DUNNE AV 767-03-036 BETPOLICE FARIDEH	21515 HAWTHORNE BL STE	TORRANCE CA 90503
	767-03-042 TRAN LIEU VAN AND NGAN THI ET	9600 DOUGHERTY AV MORGAN HILL CA 95037
	767-04-009 PG&E LAND SERVICES OFFICE Attn:	111 ALMADEN BLVD RM 814 SAN JOSE CA 95115-005

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs		APN	CITY/STATE				
		767-05-001	PG&E LAND SERVICES OFFICE Attn:	111 ALMADEN BLVD RM 814	SAN JOSE	CA	95115-005
	WARREN	AV 767-06-001	HOSSEINPOUR AKBAR AND MEHRY	4309 ROSCOMMON WY	DUBLIN	CA	94568
195	NOB HILL	TR 767-06-016	WALTON GARY AND JEAN	PO BOX 1265	MORGAN HILL	CA	95038
	NOB HILL	TR 767-06-024	MCVAY STEVE AND NANCY	960 STONEHURST CL	CAMPBELL	CA	95008
	NOB HILL	TR 767-06-025	MCVAY STEVE AND NANCY	960 STONEHURST CL	CAMPBELL	CA	95008
	NOB HILL	TR 767-06-026	MCVAY STEVE AND NANCY	960 STONEHURST CL	CAMPBELL	CA	95008
	NOB HILL	TR 767-06-027	MCVAY STEVE AND NANCY	960 STONEHURST CL	CAMPBELL	CA	95008
17205	MONTEREY	RD 767-08-006	DAVIS VIOLET E TRUSTEE	17205 MONTEREY RD	MORGAN HILL	CA	95037-3639
17105	MONTEREY	RD 767-08-017	Hencken Enterprises LLC	10321 Humbolt Street	Los Alamitos	CA	90720
		767-09-029	VILLA CIOLINO ASSOCS, LTD	9015 MURRAY AV STE 100	GILROY	CA	95020
16845	MONTEREY	RD 767-10-001	Mr. Mario Herrera	17945 Monterey Rd St. A	Morgan Hill	CA	95037
16835	MONTEREY	RD 767-10-002	SHROPSHIRE MARIA T	16835 MONTEREY RD	MORGAN HILL	CA	95037-5118
16825	MONTEREY	RD 767-10-003	DAVIS PAUL H	155 SANTA CLARA AV	GILROY	CA	95020-9285
16805	MONTEREY	RD 767-10-005	DAVIS JUNE M	155 SANTA CLARA AV	GILROY	CA	95020-9285
	SPRING	AV 767-16-002	MOUNT HOPE CEMETERY INC	PMB 6126 250 "H" ST	BLAINE	WA	98230-4033
16625	DEL MONTE	AV 767-16-013	Terry S. Peabody	16615 DelMonte Ave	Morgan Hill	CA	95037
16615	DEL MONTE	AV 767-16-014	FARIS JOSEPH E	16615 DEL MONTE AV	MORGAN HILL	CA	95037-5002
	MONTEREY	RD 767-18-046	ALCINI PARTNERSHIP	1518 PADRES DR	SAN JOSE	CA	95125
15335	MONTEREY	RD 767-23-016	WU TZWU-CHWAN AND MEI-TSU K	1599 POPPY WY	CUPERTINO	CA	95014-5306
15620	LA BELLA	CT 767-34-042	ELSON JON M AND JADE A	15620 LA BELLA CT	MORGAN HILL	CA	95037-5324
15290	LA ROCCA	DR 767-36-036	TARP ROBERT E	15290 LA ROCCA DR	MORGAN HILL	CA	95037-5813
905	W MAIN	AV 773-06-009	ACTON VIRGINIA TRUSTEE	P.O. BOX 575	MORGAN HILL	CA	95038
		773-08-063	Andrew Latala	1590 Edmundson	Morgan Hill	CA	95037
16855	DE WITT	AV 773-08-064	WONG HARRY TRUSTEE	904 RAMONA AV	PALO ALTO	CA	94301

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs	APN				CITY/STATE		
602	BUCK HILL	CT	773-08-071	DEPRICE PROPERTIES LLC	15175 SYCAMORE DR	MORGAN HILL	CA 95037
612	BUCK HILL	CT	773-08-072	DEPRICE PROPERTIES LLC	15175 SYCAMORE DR	MORGAN HILL	CA 95037
622	BUCK HILL	CT	773-08-073	DEPRICE PROPERTIES LLC	15175 SYCAMORE DR	MORGAN HILL	CA 95037
682	PRICE	DR	773-08-074	DEPRICE PROPERTIES LLC	15175 SYCAMORE DR	MORGAN HILL	CA 95037
17991	DEER RUN	CT	773-18-016	PFEIFER ROLAND D AND JOAN M	17991 DEER RUN CT	MORGAN HILL	CA 95037-9446
1700	LLAGAS	RD	773-18-022	YILDIRIM CEM AND ELISABETH A	1700 LLAGAS RD	MORGAN HILL	CA 95037-9447
1566	LLAGAS	RD	773-19-033	MARGEVICIUS ROBERT J AND ENICK	1566 LLAGAS RD	MORGAN HILL	CA 95037-9456
1255	ALMOND	DR	773-27-004	MUSTANICH JAMES W AND JOAN P	1255 ALMOND ORCHARD DR	MORGAN HILL	CA 95037-3401
15295	MONTEREY	RD	779-04-064	SUH KYUNG AND JEUNG	15855 LA PRENDA CT	MORGAN HILL	CA 95037-5672
	(LAND ONLY)		779-04-066	NMHCS	105 JOHN WILSON WY	MORGAN HILL	CA 95037
14500	SHADOWLANE	CT	779-35-024	MOONEY DAVID AND MARLENE	14500 SHADOWLANE CT	MORGAN HILL	CA 95037-6221
16770	MONTEREY	RD	817-01-005	HUNG LEE ET AL	1947 WILSON CT	MOUNTAIN VIEW	CA 94040-4056
16780	MONTEREY	RD	817-01-006	HUNG LEE ET AL	1947 WILSON CT	MOUNTAIN VIEW	CA 94040-4056
50	MYRTLE	AV	817-01-022	LATALA ANDREW AND SOPHIA	1590 EDMUNDSON CT	MORGAN HILL	CA 95037-9637
	CHURCH	ST	817-01-056	FARIS JOSEPH E	15005 CONCORD CL	MORGAN HILL	CA 95037-5448
	RAILROAD	AV	817-01-058	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
16855	CHURCH	ST	817-01-061	SCHUYLER PAUL ET AL	1518 PADRES DR	SAN JOSE	CA 95125-1862
16820	MONTEREY	RD	817-01-062	ALCINI PARTNERSHIP INC	1518 PADRES DR	SAN JOSE	CA 95125-1862
16830	MONTEREY	RD	817-01-063	ALCINI PARTNERSHIP	1518 PADRES DR	SAN JOSE	CA 95125-1862
	CHURCH	ST	817-01-064	ALCINI PARTNERSHIP	1518 PADRES DR	SAN JOSE	CA 95125-1862
16495	VINEYARD	BL	817-02-043	TANSY DEVELOPMENT INC	1121 TRABING RD	WATSONVILLE	CA 95076-0000
16470	VINEYARD	BL	817-02-044	TANSY DEVELOPMENT INC	1121 TRABING RD	WATSONVILLE	CA 95076-0000
175	MAST	ST	817-02-047	FARIS JOSEPH E	1359 RIMROCK DR	SAN JOSE	CA 95120-5608
			817-02-048	FARIS JOSEPH E	1359 RIMROCK DR	SAN JOSE	CA 95120-5608

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs		APN			CITY/STATE		
	MAST	ST	817-02-050	ALCINI PARTNERSHIP	1518 PADRES DR	SAN JOSE	CA 95125-1862
			817-02-055	LABRUCHERIE ARMAND R AND	941 A BERRYESSA RD	SAN JOSE	CA 95133
			817-02-056	LABRUCHERIE ARMAND R AND	941 A BERRYESSA RD	SAN JOSE	CA 95133
			817-02-057	LABRUCHERIE ARMAND R AND	941 A BERRYESSA RD	SAN JOSE	CA 95133
			817-02-060	LABRUCHERIE ARMAND R AND	941 A BERRYESSA RD	SAN JOSE	CA 95133
			817-02-061	LABRUCHERIE ARMAND R AND	941 A BERRYESSA RD	SAN JOSE	CA 95133
			817-02-062	LABRUCHERIE ARMAND R AND	941 A BERRYESSA RD	SAN JOSE	CA 95133
199	MAST	ST	817-02-064	Anthony E. GoularteIda M. Goularte	13595 Sycamore Drive	Morgan Hill	Ca 95037
16500	CHURCH	ST	817-02-065	CHURCH & MONTEREY RD ASSOCS	9015 MURRAY AV STE 100	GILROY	CA 95020
16210	MONTEREY	RD	817-03-006	HOLIDAY MOTEL LLC	134 SWEETBERRY CT	SAN JOSE	CA 95136
16165	CHURCH	ST	817-03-028	HERNANDEZ ROSE M TRUSTEE	90 PARK DR	MORGAN HILL	CA 95037
195	TENNANT	AV	817-04-051	VILLAFRANCA ANTHONY F AND PAT	560 E ALISAL ST	SALINAS	CA 93905
95	TENNANT	AV	817-04-054	GERA MARKO AND KLARA	19136 SPRING BROOK LN	SARATOGA	CA 95070
16250	VINEYARD	BL	817-05-065	Hal E. Forbes, Esq.	2995 Woodside Road, Suite 400	Woodside	Ca 94062
			817-05-069	LOVATO JORGE A JR	375 TENNANT AV	MORGAN HILL	CA 95037
			817-06-015	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA 95747
800	TENNANT	AV	817-08-030	D DEVI OIL INC	28456 CENTURY ST	HAYWARD	CA 94545
	JUAN	DR	817-09-038	D & D RANCH	99 ALMADEN BL UNIT 565	SAN JOSE	CA 95113-1604
	JUAN	DR	817-09-039	SAN JOSE HEALTH CENTER	2085 E HAMILTON AV STE	SAN JOSE	CA 95125
	JUAN	DR	817-09-041	SAN JOSE HEALTH CENTER	2085 E HAMILTON AV STE	SAN JOSE	CA 95125
530	E DUNNE	AV	817-11-067	KLESITZ REINHOLD ET AL	333 CIVIC DR	PLEASANT HILL	CA 94523
			817-11-069	MURPHY RANCH II LP	2 N 2ND ST STE 1250	SAN JOSE	CA 95113
16995	CONDIT	RD	817-12-003	ENSCH DONALD TRUSTEE	PO BOX 7152	VENTURA	CA 93006-7152
16425	CONDIT	RD	817-13-020	James Shuster	220 Santa Clara St	Gilroy	Ca 95020

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs	APN				CITY/STATE		
16375	CONDIT	RD 817-13-021	NG BETTY TRUSTEE & ET AL	1835 FRANKLIN #903	SAN FRANCISCO	CA	94109-3457
1075 A	CONDIT	AV 817-13-022	NG BETTY TRUSTEE & ET AL	1835 FRANKLIN #903	SAN FRANCISCO	CA	94109-3457
16275	CONDIT	RD 817-13-024	Union Pacific Funding. Inc.	9573 E. Garvey Ave, Suite 14	S. El Monte	CA	91733
16195	CONDIT	RD 817-13-026	PERSING DAVID TRUSTEE & ET AL	445 LEIGH AV	LOS GATOS	CA	95032-4005
	HILL	RD 817-20-031	REINHARD ELI	1115 COLEMAN AV	SAN JOSE	CA	95110-0000
	TENNANT	AV 817-20-034	GRANGER-AKIN SUE G TRUSTEE	411 LAURENT ST	SANTA CRUZ	CA	95060
16015	CAPUTO	DR 817-29-027	HUANG FRANK F C AND SU CHING	5866 COUNTRY CLUB PY	SAN JOSE	CA	95138-0000
	SAN BENNITO	DR 817-30-050	TABP PROPERTIES LP	75 CRISTICH LN	CAMPBELL	CA	95008-5403
		817-31-053	Silicon Valley Habitat Attn: Robert Freiri	513 VALLEY WY	MILPITAS	CA	95035-4105
16290	BARRETT	AV 817-32-054	CLEGHORN BAR ENTPRS II LLC	27370 JULIETTA LN	LOS ALTOS HILLS	CA	94022-4326
16175	JACQUELINE	CT 817-32-055	CLEGHORN BAR ENTPRS LLC	27370 JULIETTA LN	LOS ALTOS HILLS	CA	94022-4326
	BARRETT	AV 817-33-003	ODISHO PENOEIL ET AL	6623 WHITBOURNE DR	SAN JOSE	CA	95120-4534
2835	VISTA DEL	817-56-006	ANDRADE MARIA N	2835 VISTA DEL VALLE	MORGAN HILL	CA	95037-3932
	CORY	LN 817-57-011	SUTTER COURT DEVELOPMENT	777 N 1ST ST UNIT 5TH FLR	SAN JOSE	CA	95112
		817-57-019	SUTTER COURT DEVELOPMENT	777 N 1ST ST UNIT 5TH FLR	SAN JOSE	CA	95112
395	BARRETT	AV 817-58-001	FREDERICO ENTERPRISES I LLC	9548 ESTATES DR	GILROY	CA	95020
620	SAN PEDRO	AV 817-59-060	HIGASHI HENRY T AND HISAKO	620 SAN PEDRO AV	MORGAN HILL	CA	95037-5215
		817-60-057	LAUREL OAKS LLC	15165 SYCAMORE	MORGAN HILL	CA	95037-9619
840	SAN VICENTE	CT 817-60-066	E & H 3RD FAM LP	21009 SEVEN SPRINGS PY	CUPERTINO	CA	95014
850	SAN VICENTE	CT 817-60-067	E & H 3RD FAM LP	21009 SEVEN SPRINGS PY	CUPERTINO	CA	95014
16440	JUAN	DR 817-60-071	Sang Rok Shin	16440 Juan Hernandez Drive	Morgan Hill	CA	95037
16665	NINA	LN 817-60-076	CAFFEY MICHAEL E ET AL	16665 NINA LN	MORGAN HILL	CA	95037-5241
16400	JUAN	DR 817-60-079	E & H 3RD FAM LP	21009 SEVEN SPRINGS PY	CUPERTINO	CA	95014
820	SAN VICENTE	CT 817-60-080	E & H 3RD FAM LP	21009 SEVEN SPRINGS PY	CUPERTINO	CA	95014

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs		APN			CITY/STATE			
830	SAN VICENTE	CT 817-60-081	E & H 3RD FAM LP	21009 SEVEN SPRINGS	CUPERTINO	CA	95014	
2745	TORO VISTA	CT 817-70-005	MISCO INC	10061 PASADENA AV UNIT A	CUPERTINO	CA	95014	
2785	TORO VISTA	CT 817-70-007	SHAPERO STEVEN AND MICHELE	1026 LAKEVIEW WY	EMERALD HILLS	CA	94062	



**RESOLUTION NO. "B"**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL INSTRUCTING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE NUISANCES ARISING OUT OF HAZARDOUS VEGETATION GROWING UPON LOTS OR IN FRONT OF PROPERTY IN THE CITY OF MORGAN HILL AS REQUIRED BY ORDINANCE NO. 222, NEW SERIES, FOR ASSESSORS PARCEL NUMBER 726-24-020.**

**WHEREAS**, pursuant to Ordinance No. 222, N.S., the City Council hereto adopted Resolution No. 5966 declaring hazardous vegetation growing in the City of Morgan Hill to constitute a public nuisance; and

**WHEREAS**, a Public Hearing was held pursuant to Resolution No. 5875 and said Ordinance No. 222, N.S. in that time and manner required by law.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Santa Clara County Department of Agriculture and Resource Management be, and is hereby ordered, to abate the nuisance or cause the same to be abated by having the vegetation destroyed by cutting, discing or any other method as may be determined by the Department.
2. That any property owner shall have the right to destroy or remove at his expense prior to removal of said vegetation by the Department of Agriculture and Resource Management.
3. That the Department of Agriculture and Resource Management shall keep an account of the cost of removing said vegetation and document such account in a report and assessment list, and file the same with the City Clerk. Such report shall refer to each separate lot or parcel of land, together with the expense of removal of hazardous vegetation therefrom.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Special Meeting held on the 11<sup>th</sup> Day of January, 2006 by the following vote.

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>

**🏛 CERTIFICATION 🏛**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,**  
do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City  
Council at a Special Meeting held on January 11, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs	APN				CITY/STATE		
	LAUREL	RD 726-01-008	DEROSE DEVELOPMENT LLC	6401 CHELTON DR	OAKLAND	CA	94611
	DIANA	AV 726-02-007	TSAI YOUNG H AND SO M ET AL	5405 ALTON PY STE-5A#209	IRVINE	CA	92619
		726-02-012	WU TZWU-CHWAN AND MEI-TSU K	1599 POPPY WY	CUPERTINO	CA	95014
	DIANA	AV 726-04-006	EAH, Inc.	2169 E. Francisco Blvd., Suite B	San Rafael	CA	94901
	DIANA	AV 726-04-011	PEPPER LANE N E SQ LOOP LLC	2169 E FRANCISCO BL STE B	SAN RAFAEL	CA	94901
		726-07-023	LA MERE ROBERT F AND SALLY S	535 ARASTRADERO RD	PALO ALTO	CA	94306-4338
970	DIANA	AV 726-07-079	HOLMAN JANE M AND WILBUR J	603 W WASHINGTON	COLBY	WI	54421
	DIANA	AV 726-09-002	CUNEO AMASILIA TRUSTEE	2841 NORCREST DR	SAN JOSE	CA	95148-2226
761	DAKOTA	DR 726-09-024	DUNNE MICHAEL F AND JONNA M	2068 LINCOLN AV	SAN JOSE	CA	95125-3539
	DIANA	AV 726-12-004	GAITAN ANTONIO G AND HORTENSE	375 DIANA AV	MORGAN HILL	CA	95037-4403
80	E 4TH	ST 726-13-030	BARGER MICHAEL D AND MARY S	70 E 4TH ST	MORGAN HILL	CA	95037-3600
	E 4TH	ST 726-13-034	LEE KE LING	10125 SCENIC BL	CUPERTINO	CA	95014-2724
55	E 4TH	ST 726-13-042	GLENROCK BUILDERS INC	PO BOX 910	MORGAN HILL	CA	95038-0910
17520	MONTEREY	RD 726-14-049	HENCKEN ENTERPRISES SOUTH LLC	10321 Humbolt Street	Los Alamitos	Ca	90720
		726-22-051	PROSPERITY INVESTMENTS	21791 HEBER WY	SARATOGA	CA	95070-0000
	MONTEREY	RD 726-23-013	CAPOGEANNIS WILLIAM AND	5737 ALGONQUIN WY	SAN JOSE	CA	95138-2205
	E MAIN	AV 726-23-016	UNION PACIFIC RAILROAD	10031 FOOTHILLS BLVD	ROSEVILLE	CA	95747
	E CENTRAL	AV 726-24-001	PRITPAL SINGH	17735 McLAUGHLIN AVE	MORGAN HILL	CA	95037
	MONTEREY	RD 726-24-019	ZAMORA FRANK I AND DIANA	17810 MONTEREY RD	MORGAN HILL	CA	95037-3651
17860	MONTEREY	RD 726-24-020	MORGAN HILL HISTORICAL SOCIETY	P O BOX 1258	MORGAN HILL	CA	95038-1258
		726-24-026	South County Community Builders	9015 Murray Avenue, Ste. 100	Gilroy	Ca	95020
		726-24-027	South County Community Builders	9015 Murray Avenue, Ste. 100	Gilroy	Ca	95020
		726-24-029	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA	95020
		726-24-030	SOUTH COUNTY COMN BLDRS	9015 MURRAY AV STE 100	GILROY	CA	95020

## **RESOLUTION NO. "C"**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL INSTRUCTING THE SANTA CLARA COUNTY DEPARTMENT OF AGRICULTURE AND RESOURCE MANAGEMENT TO ABATE NUISANCES ARISING OUT OF HAZARDOUS VEGETATION GROWING UPON LOTS OR IN FRONT OF PROPERTY IN THE CITY OF MORGAN HILL AS REQUIRED BY ORDINANCE NO. 222, NEW SERIES, FOR ASSESSORS PARCEL NUMBERS 764-32-017 AND 764-48-020.**

**WHEREAS**, pursuant to Ordinance No. 222, N.S., the City Council hereto adopted Resolution No. 5966 declaring hazardous vegetation growing in the City of Morgan Hill to constitute a public nuisance; and

**WHEREAS**, a Public Hearing was held pursuant to Resolution No. 5875 and said Ordinance No. 222, N.S. in that time and manner required by law.

### **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. That the Santa Clara County Department of Agriculture and Resource Management be, and is hereby ordered, to abate the nuisance or cause the same to be abated by having the vegetation destroyed by cutting, discing or any other method as may be determined by the Department.
2. That any property owner shall have the right to destroy or remove at his expense prior to removal of said vegetation by the Department of Agriculture and Resource Management.
3. That the Department of Agriculture and Resource Management shall keep an account of the cost of removing said vegetation and document such account in a report and assessment list, and file the same with the City Clerk. Such report shall refer to each separate lot or parcel of land, together with the expense of removal of hazardous vegetation therefrom.

**PASSED AND ADOPTED** by the City Council of Morgan Hill at a Special Meeting held on the 11<sup>th</sup> Day of January, 2006 by the following vote.

<b>AYES:</b>	<b>COUNCIL MEMBERS:</b>
<b>NOES:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSTAIN:</b>	<b>COUNCIL MEMBERS:</b>
<b>ABSENT:</b>	<b>COUNCIL MEMBERS:</b>

**🏛️ CERTIFICATION 🏛️**

**I, IRMA TORREZ, CITY CLERK OF THE CITY OF MORGAN HILL, CALIFORNIA,**  
do hereby certify that the foregoing is a true and correct copy of Resolution No. , adopted by the City  
Council at a Special Meeting held on January 11, 2006.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.**

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**IRMA TORREZ, City Clerk**

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs	APN				CITY/STATE		
320	BERKSHIRE	DR	764-23-059	SINGH T K AND PARMINDER	305 HAZELTON CT	MORGAN HILL	CA 95037-3522
310	BERKSHIRE	DR	764-23-060	SINGH T K AND PARMINDER	305 HAZELTON CT	MORGAN HILL	CA 95037-3522
18755	MONTEREY	RD	764-24-009	Khanh T. Vo or Kelly Voc/o Palomino Real	1949 Concourse Dr.	San Jose	CA 95131
120	CAMPOLI	DR	764-24-010	E & H THIRD FAM LP	21009 SEVEN SPRINGS PY	CUPERTINO	CA 95014-0000
18680	HALE	AV	764-24-013	ROBINSON GLORIA M AND CLAUDE J	PO BOX 30155	LAS VEGAS	NV 89173
18645	OLD	RD	764-24-014	LE NGUYEN TRUNG ET AL	18645 OLD MONTEREY RD	MORGAN HILL	CA 95037-3016
115	SANCHEZ	DR	764-24-024	CORONA MANUEL R AND SOCCARRO	695 W DUNNE AV	MORGAN HILL	CA 95037-4856
			764-24-038	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
	CAMPOLI	DR	764-24-039	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
			764-24-040	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
	CAMPOLI	DR	764-24-041	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
			764-24-042	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
	CAMPOLI	DR	764-24-043	COX WARREN J	3478 YUBA AV	SAN JOSE	CA 95117-2967
18580	MURPHY	CT	764-27-027	BERGIN RUSSELL AND NOREEN	18580 MURPHY SPRINGS CT	MORGAN HILL	CA 95037-3063
	(LAND ONLY)		764-28-007	DAVIDSON CHARLES W AND ANITA	255 W JULIAN ST STE 200	SAN JOSE	CA 95110-2406
	HALE	AV	764-32-017	HUNT JONATHAN O ET AL	PO BOX 8101	PORTOLA VALLEY	CA 94028
610 A	LLAGAS	RD	764-32-022	DUFFY ARTHUR SR AND LUPE	610 A LLAGAS RD	MORGAN HILL	CA 95037-3400
18100	CHRISTEPH	DR	764-32-024	LAWSON JEFFREY S AND LUCINDA	18100 CHRISTEPH DR	MORGAN HILL	CA 95037-3430
18200	CHRISTEPH	DR	764-32-025	TANSY MICHAEL K	1121 TRABING RD	WATSONVILLE	CA 95076
17995	RIL	CT	764-32-052	KYLES RUTH M ET AL	PO BOX 864	MORGAN HILL	Ca 95038-0864
	TRUMPP	CT	764-35-055	TRUMPP WALTER C ET AL	1540 INDUSTRIAL AV	SAN JOSE	CA 95112-2714
18605	CASTLE HILL	DR	764-43-001	MAILLOUX CHANTAL AND	18605 CASTLE HILL DR	MORGAN HILL	CA 95037-9171
18665	CASTLE HILL	DR	764-43-002	IZQUIERDO PASCUAL	18665 CASTLE HILL DR	MORGAN HILL	CA 95037-9171
18725	CASTLE HILL	DR	764-43-003	ADOR DIONISIO AMOR T	18725 CASTLE HILL DR	MORGAN HILL	CA 95037-9171

**2006 WEED ABATEMENT PROGRAM  
CITY OF MORGAN HILL  
COMMENCEMENT REPORT**

Situs		APN		CITY/STATE			
18750	GLEN AYRE	DR 764-43-004	GREENWOOD MICHAEL S AND LYNN	18750 GLEN AYRE DR	MORGAN HILL	CA	95037-9453
18815	GLEN AYRE	DR 764-43-006	ROBSON WILLIAM W AND LORI M	18815 GLEN AYRE DR	MORGAN HILL	CA	95037-9168
18555	CASTLE HILL	DR 764-44-009	KNUDSON LYLE E AND DONNA C	18555 CASTLE HILL DR	MORGAN HILL	CA	95037-9171
18450	CASTLE HILL	DR 764-45-006	LIRA RAYMOND AND CUCA P	18450 CASTLE HILL DR	MORGAN HILL	CA	95037-9449
18470	CASTLE HILL	DR 764-45-007	GLENROCK BUILDERS INC	PO BOX 910	MORGAN HILL	CA	95038-0910
18490	CASTLE HILL	DR 764-45-008	RILEY ROBERT AND BERNICE A	18490 CASTLE HILL DR	MORGAN HILL	CA	95037-9179
18650	CASTLE HILL	DR 764-45-019	LASHER RICHARD S AND MARY E	18650 CASTLE HILL DR	MORGAN HILL	CA	95037-9170
18610	CASTLE HILL	DR 764-45-020	WUEST WALTER A AND HELGA	18610 CASTLE HILL DR	MORGAN HILL	CA	95037-9170
18580	CASTLE HILL	DR 764-45-021	GLENROCK BUILDERS INC	PO BOX 910	MORGAN HILL	CA	95038-0910
18530	CASTLE HILL	DR 764-45-023	CHADBAND J C TRUSTEE & ET AL	18530 CASTLE HILL DR	MORGAN HILL	CA	95037-9169
341	WRIGHT	AV 764-48-020	ROBERTS GREGORY J ET AL	341 WRIGHT AV	MORGAN HILL	CA	95037-4321
635	ADAIR	CT 764-49-023	POLENSKY DONALD AND	635 ADAIR CT	MORGAN HILL	CA	95037-0000
662	LLAGAS VISTA	DR 764-50-007	SAVOFF MARK T AND TORRI L	662 LLAGAS VISTA DR	MORGAN HILL	CA	95037-3406
18005	STONE	WY 764-56-001	DELA PENA PATRICIA C AND JESSE	18005 STONEY CREEK WY	MORGAN HILL	CA	95037-0000
18015	STONE	WY 764-56-002	MAPS MARY S AND HULICK	18015 STONEY CREEK WY	MORGAN HILL	CA	95037-0000
18025	STONE	WY 764-56-003	SPRING RENE ET AL	18025 STONEY CREEK WY	MORGAN HILL	CA	95037-0000
18035	STONE	WY 764-56-004	GRAOUI HOUDA AND BELCADI	18035 STONEY CREEK WY	MORGAN HILL	CA	95037-0000
17960	RIL	CT 764-56-005	Manuel and Rose M. Martinez Trust	17960 RIL MARIANNA CT	MORGAN HILL	CA	95037-0000
17950	RIL	CT 764-56-006	ROYSTON TAMI S	17950 RIL MARIANNA CT	MORGAN HILL	CA	95037-0000
		764-56-014	LLAGAS HALE INVRS LLC	275 SARATOGA AV	SANTA CLARA	CA	95050
		764-56-015	MIRASOL OF MORGAN HILL HOA	1777 N CALIFORNIA BL SUITE	WALNUT CREEK	CA	94596-4180
	W DUNNE	AV 767-03-036	BETPOLICE FARIDEH	21515 HAWTHORNE BL STE	TORRANCE	CA	90503
		767-03-042	TRAN LIEU VAN AND NGAN THI ET	9600 DOUGHERTY AV	MORGAN HILL	CA	95037
		767-04-009	PG&E LAND SERVICES OFFICE Attn:	111 ALMADEN BLVD RM 814	SAN JOSE	CA	95115-005



## **CITY COUNCIL STAFF REPORT**

**MEETING DATE: JANUARY 11, 2006**

**Agenda Item # 14**

**Prepared By:**

**Council Services &  
Records Manager**

**Submitted By:**

**City Manager**

### **Consider Proposed Text Amendments to Title 2, Administration and Personnel, of the Morgan Hill Municipal Code**

#### **RECOMMENDED ACTION(S):**

1. Consider and discuss unanswered questions; and
2. Direct staff to return with an ordinance, incorporating amendments to the Municipal Code as they relate to Council appointed Boards & Commissions;

#### **EXECUTIVE SUMMARY:**

At the December 11, 2005 meeting, the Council received a report from staff regarding Board and Commission comments as they relate to proposed text amendments to Title 2 of the Morgan Hill Municipal Code. The Council was in general support of the draft text amendments, as presented. However, there were a few issues that remained unanswered. The Council directed that staff return with responses to unresolved questions/issues.

- Does the Government Code authorize appointment of none U.S. citizens to serve on City boards and/or commissions? *The Interim City Attorney researched this issue and finds that it is within the Council's power to remove the language that requires commissioners to be "registered voters". He further states that there is no legal requirement that commissioners be U.S. citizens. The Council could decide whether similar qualifications are to apply across all boards or commission or to apply different qualification requirements for different boards and/or commissions. For example, the Council could require that individuals appointed to the Planning Commission must be registered voters while not making this requirement to other boards and/or commissions.*
- Can the Mayor and Council make interim appointments to fill vacancies until such time the interview/appointment process has occurred? *The Interim City Attorney indicated, at the December 14, 2005 meeting, that an interim appointment would take additional language and definition regarding timing, etc.*
- Mayor Kennedy to contact the Senior Advisory Committee Chair. *At the December 14, 2005 Council meeting, Mayor Kennedy indicated that he met with the co-chair of the Senior Advisory Committee who expressed concern that the Parks & Recreation Commission made appointments to this Committee without benefit of interviewing applicants. Mayor Kennedy recommended that the discussion regarding appointments to the Senior Advisory Commission be continued to January 2006 in order to allow him to meet with staff and the Senior Advisory Committee Chair. Mayor Kennedy made contact with the Senior Advisory Committee Chair and will report to the Council his discussion with the chair.*

Staff still needs Council direction regarding the following before returning with an ordinance for Council consideration:

- Does the Council support appointment of individuals who work in the City limits, but reside outside the City limits to serve on boards and commissions. If so, what is the distance limitation?
- Does the Council support amending the ordinance to allow residents who are not U.S. citizens and otherwise non registered voters to be considered for appointment to boards and commissions?
- Does the Council support increasing the terms of office for the Parks & Recreation Commission from two-year to four-year terms; leaving all other boards and commissions as two-year term appointments?
- Does the Council wish to consider implementing term limits as was suggested by a commissioner?
- Does the Council wish to consider moving the Senior Advisory Commission appointment terms up to either April or June, instead of the current August term expiration?

**FISCAL IMPACT:** No fiscal impact.